

SENATE

FRIDAY, NOVEMBER 24, 1944

(Legislative day of Tuesday, November 21, 1944)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

God of all wisdom, away from the confusion of tongues we seek the quiet pavilion of prayer. For these searching moments may the bewildering voices of the world about us and the clamor of wordy arguments be hushed. In Thy presence our arrogance is rebuked and our pride of opinion is mocked as we confess that we but grope in the darkness and that our sight is dim, our knowledge is partial, and our judgments fallible. We would yield ourselves to Thee as we are, with all our failures and our ignorance and our self-will, and yet with the climbing aspirations of our better nature.

Make us honest and honorable enough to bear the vision of the truth, to have done with all falsehood, to cast away all pretense, together with the pettiness of our spirits and the craven fear of our hearts. Break down the narrow boundaries of our minds that shut us out from fellowship and understanding with any of Thy children. Teach us to value beauty of heart or brain in any strand of our common humanity, that we may become workers together with Thee in binding the races of man into that perfect family that shall belt the earth with good will when Thy radiant kingdom comes. In the name of Christ Jesus our Lord. Amen.

THE JOURNAL

On request of Mr. HILL, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, November 22, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of the secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. McLeod, one of its clerks, announced that the House had passed a bill (H. R. 4911) to amend the Federal Crop Insurance Act, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 887. An act conferring jurisdiction upon the United States District Court for the Western District of Virginia to hear, determine, and render judgment upon the claims of John Weakley and Rella Moyer;

S. 1101. An act to provide for the payment of the claim of John C. Shaw, administrator

Speaker's table and referred to the Committee on the Disposition of Executive Papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DICKSTEIN: Committee on Immigration and Naturalization. S. 963. A bill relating to the imposition of certain penalties and the payment of detention expenses incident to the bringing of certain aliens into the United States; with amendment (Rept. No. 1920). Referred to the Committee of the Whole House on the state of the Union.

Mr. MASON: Committee on Immigration and Naturalization. H. R. 4642. A bill to amend the Nationality Act of 1940; without amendment (Rept. No. 1921). Referred to the House Calendar.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 1922. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HEBERT:

H. R. 5521. A bill to abolish the United States Park Police force in the District of Columbia, to transfer the personnel of the United States Park Police to the Metropolitan Police Department, and for other purposes; to the Committee on the District of Columbia.

By Mr. ELLSWORTH:

H. R. 5522. A bill to amend the joint resolution of July 29, 1941, relating to the removal of officers from the active list of the Regular Army; to the Committee on Military Affairs.

By Mr. THOMAS of New Jersey:

H. Res. 656. Resolution relating to the disposition of the files of the Special Committee to Investigate Un-American Activities; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GORE:

H. R. 5523. A bill for the relief of R. H. Sindler; to the Committee on Claims.

By Mr. GREEN:

H. R. 5524. A bill for the relief of Willie H. Johnson; to the Committee on Claims.

H. R. 5525. A bill for the relief of John R. Jennings; to the Committee on Claims.

By Mr. McGEHEE:

H. R. 5526. A bill for the relief of Axel A. Stromberg; to the Committee on Claims.

H. R. 5527. A bill for the relief of Mrs. Russell C. Allen and Molly Ann Allen; to the Committee on Claims.

H. R. 5528. A bill for the relief of Max Hirsch; to the Committee on Claims.

H. R. 5529. A bill for the relief of the New England Telephone & Telegraph Co.; to the Committee on Claims.

By Mr. McMURRAY:

H. R. 5530 (by request). A bill for the relief of Oswald Jaeger Baking Co.; to the Committee on Claims.

By Mr. GORE:

H. R. 5531. A bill for the relief of I. H. Beasley; to the Committee on Claims.

Mr. VURSELL. Mr. Speaker, I think one of the most important things that can be brought about by this bill, is to make certain that in the distribution of funds, and in the preparation for the allocation of funds, the rural areas should be given very careful consideration and attention. If we want to develop our farm sections and our rural sections there is nothing that would help to develop them more than better roads and rural electrification. It is much more important that we furnish transportation so that the farmer cannot only develop and improve his farm locality, but so that he can get his produce to the markets. I am more interested, and I think more good will be done, if we stay close to the rural areas to provide the proper transportation, than can be done if we go in in a larger way for belt and high-speed highways. After all, the farmers are one of the greatest segments of our population, and upon the farmer more depends than upon any other group of our citizens. This road bill will furnish an opportunity to lay a foundation that will help to improve agriculture and help to improve the financial economy of the country. We must make certain that the farmers' interests are taken care of in the allocation and distribution of these funds for the building of farm-to-market roads.

The SPEAKER. The time of the gentleman has expired.

Mr. COX. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

EXTENSION OF REMARKS

Mr. MILLER of Connecticut. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks on the subject of the road bill.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. KEEFE (at the request of Mr. MURRAY of Wisconsin), 1 week, on account of illness.

To Mr. HOCH, for Friday, November 24, on account of official business.

To the Committee on Military Affairs (at the request of Mr. MAY), indefinitely, on account of absence on official business of the Committee on Military Affairs.

ADJOURNMENT

Mr. CRAVENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 3 minutes p. m.) the House, under its previous order, adjourned until Friday, November 24, 1944, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

2029. Under clause 2 of rule XXIV a letter from the Archivist of the United States, transmitting a report on records proposed for disposal by various Government agencies, was taken from the

de bonis non of the estate of Sydney C. McLouth, deceased, arising out of a contract between said deceased and the United States Shipping Board Emergency Fleet Corporation, for the construction of seagoing tugs;

S. 1226. An act for the relief of Charles T. Allen;

S. 1278. An act for the relief of Yellow Cab Transit Co. and Equitable Fire and Marine Insurance Co.;

S. 1365. An act for the relief of J. C. Drewry;

S. 1451. An act to amend the act entitled "An act for the confirmation of the title to the Saline lands in Jackson County, State of Illinois, to D. H. Brush, and others," approved March 2, 1861;

S. 1453. An act for the relief of the City National Bank Building Co.;

S. 1461. An act for the relief of Frederick G. Goebel;

S. 1465. An act for the relief of Dr. A. R. Adams;

S. 1477. An act for the relief of Carl M. Frasure;

S. 1501. An act for the relief of the Rau Motor Sales Co.;

S. 1572. An act for the relief of Frank Robertson;

S. 1605. An act for the relief of Mr. and Mrs. John Borrego; Mr. and Mrs. Joe Silva; the legal guardian of Frank Borrego; the legal guardian of Rueben Silva; and the legal guardian of Rudolph Silva;

S. 1665. An act to relieve certain employees of the Veterans' Administration from financial liability for certain overpayments and allow such credit therefor as is necessary in the accounts of Guy F. Allen, chief disbursing officer;

S. 1709. An act for the relief of Mrs. Clark Gourley, administratrix of the estate of Clark Gourley;

S. 1717. An act for the relief of Luella F. Stewart;

S. 1763. An act for the relief of the Square D. Co.;

S. 1766. An act for the relief of C. C. Thornton;

S. 1776. An act for the relief of L. C. Gregory;

S. 1905. An act for the relief of the estate of Walney A. Colvin, deceased;

S. 1983. An act for the relief of Mrs. Anna Rurnebaum;

S. 1995. An act for the relief of Fred A. Dimler and Gwendolyn E. Dimler, his wife;

S. 2007. An act for the relief of Lum Jacobs;

S. 2031. An act for the relief of Lt. (T) P. J. Voorhies; and

S. 2069. An act for the relief of Irma S. Sheridan, postmaster at Rockville, Oreg.

SENATOR FROM SOUTH CAROLINA— CREDENTIALS

MR. MAYBANK. Mr. President, I send to the desk the credentials of a distinguished South Carolinian, WILTON E. HALL, who has been appointed by the Governor of South Carolina to fill out the unexpired term of my late colleague, Senator Smith.

The VICE PRESIDENT. The credentials will be read.

The Chief Clerk read the credentials, and they were ordered to be placed on file, as follows:

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of South Carolina, I, Olin D. Johnston, Governor of the said State, do hereby appoint WILTON E. HALL the Senator from said State to represent said State in the Senate of the

United States until the vacancy therein caused by the death of Senator Ellison D. Smith is filled by election as provided by law.

Witness: His Excellency, our Governor, and our secretary of state, and our seal hereto affixed at Columbia, S. C., this 20th day of November 1944.

By the Governor:

OLIN D. JOHNSTON,
Governor.

[SEAL]

W. P. BLACKWELL,
Secretary of State.

INVITATION TO INSPECT B-29 AIRPLANE AT WASHINGTON NATIONAL AIRPORT

The VICE PRESIDENT laid before the Senate an invitation from Gen. H. H. Arnold, Commanding General of the Army Air Forces, which was read and ordered to lie on the table, as follows:

HEADQUARTERS, ARMY AIR FORCES,
Washington, November 22, 1944.

Hon. HENRY A. WALLACE,

President of the Senate, the Capitol.

DEAR MR. WALLACE: The Army Air Forces respectfully invite you and the Members of the Senate to inspect a B-29 airplane at the new A. T. C. Terminal at Washington National Airport on Saturday, 25 November, from 9 a. m. to 5 p. m.

This airplane is being brought here from Wright Field especially to give Members of the Congress and other Government officials an opportunity to inspect the aircraft at close range. Technicians will be on duty to answer any questions Members may care to ask. The interior of the airplane will also be open for inspection.

Sincerely yours,

H. H. ARNOLD,
General, United States Army,
Commanding General, Army Air Forces.

BIRTHDAY CONGRATULATIONS TO SENATOR BARKLEY

MR. WHITE. Mr. President, it has just come to my notice that today is the birthday of the distinguished majority leader of the Senate, the senior Senator from Kentucky [MR. BARKLEY]. Speaking for myself and, I hope and believe, for all other Senators on this side of the Chamber, I convey to him assurances of our highest regard and our congratulations on the political victory which has so lately been his.

Mr. President, Senator BARKLEY has had one of the most distinguished careers of any Member of the Congress in the history of the Legislature of our country. He became a Member of the House of Representatives some 32 years ago, as I recall, and during the intervening years has served in the House of Representatives and in the Senate with great ability and with great distinction. He has been a great Senator of a great State. He has been a Senator of the United States. I wish for him a happy continuance of the term to which he has been elected, and all good things in life.

MR. BARKLEY. Mr. President, I deeply appreciate the generous words of my friend from Maine, with whom I have served during most of the years to which he has referred. I am afraid that my present appearance would make me look much older than I am today, but I can guarantee to my friend across the aisle that my present handicap is purely incidental and temporary. I thank him, nevertheless, for his generous words.

SEVENTEENTH REPORT ON LEND-LEASE OPERATIONS—REVERSE LEND-LEASE AID FROM THE BRITISH COMMON- WEALTH

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Foreign Relations:

To the Congress of the United States of America:

I am submitting herewith my seventeenth report to Congress on lend-lease operations.

In 15 of these reports I have reported on lend-lease aid extended by the United States. One year ago, the twelfth lend-lease report to Congress set forth the reverse lend-lease aid received by the United States from the British Commonwealth of Nations under the Lend-Lease Act. That report covered the period up to June 30, 1943.

I now report on reverse lend-lease aid received by the United States from the British Commonwealth of Nations up to June 30, 1944.

One year ago the governments of the British Commonwealth reported their expenditures for reverse lend-lease aid to the United States, on the basis of estimates carefully prepared from their records, as totaling \$1,175,000,000. They now report that by June 30, 1944—1 year later—these expenditures had risen to \$3,348,000,000—almost three times the previous total.

The first 6 months of 1944 showed a significant increase in reverse lend-lease aid from the British Commonwealth. These were the months when the final preparations were being made in the United Kingdom for the liberation of western Europe and for the offensives aimed at Germany.

In these 6 months, United States forces in the British Isles received the equivalent of almost 3,851,000 ships' tons of supplies from the United Kingdom under reverse lend-lease exclusive of construction materials and gasoline, compared with 2,950,000 tons in the entire preceding 18 months. In monetary value, the supplies and services we received in these 6 months were greater than for the entire preceding year.

By D-day, United States armed forces had reached the United Kingdom in vast numbers. From the day our first soldiers arrived in 1942, one-third of all the supplies and equipment currently required by United States troops in the British Isles has been provided under reverse lend-lease. The percentages of total United States Army requirements in the European theater provided by the United Kingdom have ranged as high as 63 percent in the case of quartermaster supplies and 58 percent for engineers' supplies.

Reverse lend-lease has played an essential part in the stupendous job of preparing for and supplying the great Allied offensives in Europe.

It would have required a thousand ships to send across the Atlantic what

we received for our men through reverse lend-lease from the United Kingdom.

We were able to use these thousand ships instead for carrying supplies and equipment that had to come from the United States.

Without the reverse lend-lease aid that we received from the United Kingdom, we would surely have been forced to delay the invasion of France for many months. Now that this campaign has been successfully launched and is on the road to ultimate success, it is possible to include in this report facts about specific and vitally important reverse lend-lease projects that could not previously be safely disclosed in a public report.

For the war against Japan, United States forces have also received increased quantities of supplies and services in the past 6 months as reverse lend-lease from Australia and New Zealand, and in India. These were the months in which the forces under General MacArthur were completing the New Guinea campaign and were preparing to launch the campaign for the liberation of the Philippines.

Our forces in the Pacific have already received 1,850,000,000 pounds of food alone from Australia and New Zealand, including more than 400,000,000 pounds of beef and other meats.

Another important reverse lend-lease program in this theater has been the production for our forces of landing craft, small ships and boats, for the campaign we are waging in the Pacific. Tremendous numbers of these boats are needed for landing and supply operations on hundreds of islands scattered across thousands of miles of water. More than 9,500 of these craft had been produced and delivered by Australia alone in time for the Philippines campaign and over 12,000 more are on the way. In addition, Australia and New Zealand have turned over to our forces many hundreds of coastal steamers, barges, tugs, lighters, yachts, and launches.

In India the increased rate of reverse lend-lease aid we have received in the first 6 months of 1944 has kept pace with the rising tempo of air, land, and sea operations in the Burma-India and China theaters. A significant proportion of the supplies we have received in India has consisted of aviation gasoline and other petroleum products drawn from British oil resources in the Middle East and refined at the British refinery at Abadan. This gasoline, provided to us as reverse lend-lease, without payment by us, is helping to power our B-29 Superfortresses in their raids from both China and India on the Japanese homeland and on such enemy-occupied strong points as Singapore. It is also being used by the fighter and bomber planes of the Tenth and Fourteenth United States Army Air Forces.

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I take the occasion of this report again to point out that the reverse lend-lease aid rendered by nations of the British Commonwealth to the United States is only a part of the aid which we have received from the British in fighting this war. The United States has benefited greatly from reverse lend-lease aid, as

the facts set forth in this report indicate. But we have benefited far more, and in a far larger sense, from the total fighting effort of our allies.

As I have stated in previous lend-lease reports and as the Congress has expressed itself in reports by its appropriate committees at the time of the virtually unanimous renewals of the Lend-Lease Act in 1943 and 1944, lend-lease and reverse lend-lease are not two sides of a financial transaction. We are not loaning money under lend-lease. We are not receiving payments on account under reverse lend-lease. The lend-lease system is, instead, a system of combined war supply, whose sole purpose is to make the most effective use against the enemy of the combined resources of the United Nations, regardless of the origin of the supplies or which of us uses them against the enemy.

Neither the monetary totals of the lend-lease aid we supply, nor the totals of the reverse lend-lease aid we receive are measures of the aid we have given or received in this war. That could be measured only in terms of the total contributions toward winning victory of each of the United Nations. There are no statistical or monetary measurements for the value of courage, skill, and sacrifice in the face of death and destruction wrought by our common enemies.

We in the United States can be justly proud of our contributions in men and materials and of the courage and skill and sacrifice of the men and women in our armed forces and of all those others who have devoted themselves selflessly to the war effort at home. We can also be rightly proud of and grateful for the contributions in men and materials of our allies and the courage and skill and sacrifice of their soldiers, airmen, seamen, and peoples.

In this war the United Nations have all drawn strength from each other—our allies from us and we from them. We can now begin to see the full significance of the overwhelming power that this steadily closer partnership has created. We already know how much it did to save us all from disaster. We know that it has brought and will bring final victory months closer than would otherwise have been possible.

Lend-lease and reverse lend-lease are a system of combined war supply. They should end with the war. But the United Nations partnership must go on and must grow stronger. For the tasks of building a workable peace that will endure, we shall need all the strength that a permanent and stronger United Nations can provide in winning security from aggression, in building the economic foundations for a more prosperous world, and in developing wider opportunities for civilized advancement for the American people and for all the other peace-loving peoples of the world.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, November 24, 1944.

OUR INTERNATIONAL POLICY

Mr. AUSTIN. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an address made by me on Our International Policy, at a

meeting of the Vermont Bar Association on October 3, 1944.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Mr. President, Your Excellency, Your Honors, and so many, so many of my personal friends and associates, I don't know when I have been so privileged as I am tonight to come face to face with so many friends in one place and under such dignified and inspiring auspices. It is only upon a few occasions that I have spoken from this rostrum, but I never come here without being lifted up by a sense of the wonderful traditions that this statehouse and this house of representatives symbolize. I have always been inspired by the great services and sacrifices of our forefathers. The history of our State is in the foreground of my thought, bearing upon my judgment, affecting the character of my public service. I never, never forget it. It is a great history, not to be excelled by the history of any other State in the Union. The attitude of Vermont in this great crisis is recognized from the day when Vermont, by the solemn act of her general assembly, recognized that a condition of war existed in the world, which called upon Vermont to carry out her promises to her sons who offered their lives for their State and for their Nation and for humanity.

Thank you for the privilege of speaking to you about what is uppermost in the aspirations of the people of America, and probably of all Christendom. There is no more living vital desire and determination than that we shall this time so conduct ourselves that we will set up the guarantees of security and peace so that our children's children for many generations will not have to go to war. Without regard to partisanship, political partisanship, or partisanship over this question of isolationism or internationalism, everyone agrees that the challenge has come to us at a time when we have an opportunity to meet it. A challenge to surround posterity not merely with laws that shall direct conduct in the great family of nations, but also erect the organization to execute those laws and make them operate. Of course, we are familiar with what is known as the law of nations and international law. We know that it is not the product of search to find the rule of conduct that is based upon the difference between right and wrong, simply because we have had no organization that could bring into crystallized form the expression of conscience of all the people of Christendom. We know that such law as we call international law, or law of nations, is but the product of treaty, experience, and precedent. The lawyer who is smart enough to bring before an arbitration or before a world court the best line of weighty precedents holding in a certain direction is the lawyer who establishes the law for his case.

Now, we look forward to a new science. It is not entirely new, because for some 35 years leaders of thought have been studying the subject of international organization. We have made a try at it with the League of Nations, and from that experience we have learned so much that we think we have the groundwork today for a successful advance in this new science of international organization.

We go upon three postulates, viz: That conditions anywhere on earth which threaten military aggression to any single nation affect all nations.

Another postulate is that neutrality in its classic and narrow meaning cannot survive world wars, and that probably if we carry on as we aim to do, such a thing as legal neutrality cannot exist and will not exist in the future.

The third postulate is that all peoples everywhere who are competent to govern themselves and who desire peace are deter-

mined and willing to pay the costs of peace, however great they are.

These are self-evident truths. They do not need proof, and it is upon these foundations that we proceed with great hope that we may this time form an international organization that will avoid the mistakes and the shortages which we have discovered in the League of Nations. The Dumbarton Oaks Conference has been moving thus far very satisfactorily on a plan that was submitted by the United States. I might remind you, though perhaps it is unnecessary, that we have had several declarations from high sources indicating a general course of intent among the United Nations. In the first place we had the Atlantic Charter, first declared by the representatives of the United States and Great Britain, but subsequently subscribed to by all of the United Nations. In the next place we had the Declaration of Moscow, and finally the so-called Connally resolution, which passed the Senate by a vote really startling in its proportions of 85 to 5. The Moscow Declaration, which undertakes to complement the Atlantic Charter, and the Connally resolution declare for substantially the same thing, and that is an international organization established at the earliest practicable date upon the basis of the sovereign equality of nations both great and small, for the purpose of security and peace. I have not tried to quote it, but I have given you the sense of the declaration and the sense of the Connally resolution.

From the time of Secretary Hull's return from the Moscow Conference down to the time when the Dumbarton Oaks group met, meetings were held to work out a plan based upon that general policy, a plan which was single in its aim—it was for security—protection against military aggression anywhere on earth. The unique character of that plan is its singleness of purpose. If there is one thing that I want to emphasize here tonight, it is the irrelevance of the discussion you hear that we must not authorize our agent or delegate to this organization to act without coming to Congress every time he acts. That is used as opposition to the plan itself, but it is wholly irrelevant.

Another is that we must not enter into this plan because it is going to require of us that we allocate branches of our armed forces to be subject to the direction of some organization other than the sovereign government of the United States. Of course you can see that these objections confuse the issue, which is the simple one of security. Shall we enter into an agreement for security? Shall we abandon this unilateral policy which nations have heretofore held, and put into effect the cooperative plan by which society performs its duty to maintain order and peace in the world, instead of having every member of society undertake to carry out some advice that is given to it by the organization and every member given authority separately to maintain law and order.

Another objection, wholly irrelevant, which does not meet the issue that is before the Dumbarton Oaks Conference is this question of sovereignty. It confuses the true meaning of external sovereignty, treating it as if it were the same thing as internal sovereignty.

Our external sovereignty does not come as the result of a constitution that the people of the United States have entered into or agreed upon. External sovereignty comes as a result of the law of necessity in the family of nations, and that sovereignty, like freedom, is a relative thing. What it really is, is not what the word means, that is, superior over every other thing. If that were the exact meaning of external sovereignty there could be only one sovereign nation in the world. In fact, we claim that nothing under the word of God is sovereign.

And so, when against progress in the negotiation of this treaty at Dumbarton Oaks,

there is interposed the idea that we are going to be asked to give up our sovereignty, that is just one of those fallacies which I undertake to point out does not meet the effort that we are making.

I might say in passing that if all of the peace-loving sovereign nations enter into the same agreement to submit to a direction of their armed forces to suppress or prevent a military uprising anywhere in the world, they have each contributed the same amount of independence. By that combined effort relative sovereignty has not changed at all, but has been exercised according to treaty.

Now, the American plan, so far as it has become public, comprehends an organization that is very like the outlines of the League of Nations. In it you have a general assembly, which possesses all of the jurisdictions and powers which are not specifically granted to other branches of the organization. Then you have an executive council, which has a very limited authority but a tremendous power, and that authority bears upon peaceful settlement of controversies among nations through conciliation or arbitration, or the ultimate direction of military force; and then you have as the third major branch of that organization a court. Supporting all of them, armed forces are to be set up by means of a separate agreement not contained in the basic treaty for the establishment of this international organization for security and peace.

Now, then, how do we protect; how do we intend in the American plan to protect the vital interests of each separate nation? It is not difficult to do, and I think it is not difficult to understand. If you have trouble understanding, it will be because of my lack of clarity in explaining it, but I am going to try it. Let's assume that your executive council has jurisdiction over the question of what constitutes an aggression; what constitutes a condition anywhere on earth that threatens war, also over the further question of what sanctions shall be ordered to prevent or repel military aggression. This little group, we will say, consists of 11 countries, each country having 1 vote. Four of those countries at the present time are contemplated to be the 4 great powers that now have the leadership in the conduct of this war, the United States, Great Britain, Russia, and China. Later it is contemplated that there may be another nation added to that group of major nations. They are to have permanent membership in this executive council. All the others would be impermanent members elected annually and in rotation, possibly having reference to geographical location as well as other factors qualifying nations to sit in that council.

Now, then, is this to be pure politics? Is this to be a set-up in which the 4 great nations shall overwhelm and control the lesser nations of the earth? Quite the contrary. The plan is to provide for cooperation in this manner: Any decision upon the cause for the application of sanctions and any decision upon the application of sanctions requires a majority vote of which the permanent members must be counted—that is, you must always have the 4 permanent members in your majority. But a majority of 11 is 6; therefore, you must have the vote of 2 of the impermanent members in order to have any action—any decision. Turn it around: If the minor nations were apparently being overshadowed by the major nations, you can see how that by these 6 minor nations voting together, or by 5 of them voting together, they could veto any action that the 4 major nations voted for. All right. Ask yourself the question, "Is the United States going to be endangered here by this arrangement so that against its will its troops can

be ordered any place on earth at any time?" Oh, no! Because the United States has a veto of its own on any vote to determine these two issues which I have mentioned. All it has to do is to say "No," and that ends it, and that is true of Russia, it is true of China, and it is true of Great Britain. "Well," you say, "of what use or value is that kind of an organization at all?" And the answer is, "None, unless the peoples of the earth truly desire peace strongly enough to keep their delegates heartily in cooperation for security and peace. Without that, any organization you set up will fail."

We have to go on the constructive theory that it is possible for peace-loving nations to cooperate and that it is probable that they will prefer to cooperate than to pull apart. If we start on the other theory—that they are bound to pull apart—why, then, of course, there isn't any use starting whatever.

So, assuming the postulates which I stated in the beginning, and that one in particular—that all peoples are willing to pay the cost of peace—we go ahead with the hope and with the firm belief that we are about to erect an organization in the world that will be a complete change from anything we have ever had before. Now, let me try to simply picture that change. In the first place, we are going to have some fundamental rules that we have never had before. Just simple rules of conduct, and I will name two or three of them. In the first place, we will put into this basic treaty: No. 1, hereafter all disputes among nations shall be settled amicably and without resort to war; No. 2, we will promise not to use our armed forces against any other nation except as permitted by this basic treaty and the order or direction of the executive council of this organization; No. 3, we agree that those troops that we allocate in another agreement for this service of meeting and repelling armed force shall obey the direction of the executive council promptly and before the spark has burst into a world conflagration. That is the basis that we start with for an organization that is different than anything else heretofore experienced.

We start with some few simple rules of conduct, and then we set up a court to interpret and apply those rules, a new court in a way. We have had a world court and I look forward with eagerness to hearing Hon. Manley Hudson tell us about it tomorrow night. I know it is going to be a wonderful education to me, and I think likely it may be to you. But that court has no authority over a country until the country submits itself to its jurisdiction. In other words, there is no obligatory jurisdiction in that court. You can't say to a country that has aggrieved you, "Here, you come over into this world tribunal and let us present our case," and have that tribunal, an independent body, decide the case in a peaceful way according to well known methods of procedure. You can't do that now. Of course we already are under treaty for pacific settlement of international disputes with 40 countries, including Great Britain, France, Germany, Russia, and China. The Briand-Kellogg Treaty signed in 1928 provides for both arbitration and conciliation. However, submission to the Permanent Court of Arbitration of justiciable issues requires a special agreement in each case, made by and with the advice and consent of the Senate, settling all the terms of the reference. It gives no obligatory jurisdiction which can be invoked by a claimant. All the treaties are subject to termination after a certain period of time. However, the United States has acknowledged the propriety of submitting to an international court even the most serious of our international differences. This step advances us toward the desired goal of obligatory judicial procedure. The existing law of nations has

the infirmity that no state can without its consent be compelled to submit its disputes with other nations either to mediation or arbitration or to any other kind of pacific settlement.

This fatal defect in the Covenant of the League of Nations was pointed out by the Permanent Court of International Justice in a case where Finland sought to invoke the covenant in its dispute with Russia. This infirmity is that such covenants amount to no more than a promise to make a treaty of arbitration when the dispute arises. It fails to function automatically, while relations are pacific, when a dispute arises and before the passions of war are aroused. So that is new, the idea of giving to this court, this world court, and perhaps some regional courts, obligatory jurisdiction. What else is new about this plan of organization? I am talking about the American plan, which I hope will be accepted by the other great treaty powers of the earth.

The League of Nations in article 10 provided for advice. Advice to whom? To the aggrieved country—a country that might have been so weak in a military sense or economic sense and every other way that it could not possibly defend itself. Regardless of its competency to defend itself all we have under the League of Nations, is a scheme by which society advises the aggrieved to act. Thereby society evades—at least it avoids—its duty to maintain order under the law among nations of the world. That is under article 10. Now under article 16, which is the only other article in the Covenant of the League of Nations having to do with coercion, the League recommends to the member state what to do to protect itself.

Now what do we propose? Well, you will notice in the planks on war and peace of both the National Democratic Convention and the National Republican Convention, the same vital change, and that is the power to direct. Of course I am more familiar with the Republican plank than I am the Democratic plank. In the Republican plank there is a declaration of policy by which we say that we shall give to this organization the means of directing peace forces to prevent or repel military aggression. Those who drew both of those planks, the Democratic plank and the Republican plank, the men who really sat down and drew them were familiar with the American plan because they had helped to make it. Both planks are designed with the idea of getting the resources, moral and spiritual and political resources, of the people of the United States of America behind that American plan.

The hope for security and peace rests mainly on this power to direct. Great progress is represented in the change from unilateral acts of aggrieved nations to maintain security to society's authority under a basic treaty to direct those forces which maintain peace. Of course military forces will be the last resort. All the other forces, economic, spiritual, diplomatic, educational, conciliation and arbitration, judicial, all the other sanctions will be tried where adequate. If it becomes necessary to pay this particular cost of peace, we pay it by this basic treaty. The authority to that organization is not merely to advise or recommend, but to direct the peace forces of the United States or any other state to hasten to a spot before the war passion has become aroused.

This difference recognizes the almighty power of united nations. Here we summon the conscience and the military resources and the economic power of all peace-loving nations upon a single problem, upon a single spot in the world. We give to their great organization the authority, not to tell us what one of us shall do, but to do it itself. It is the shift from that unilateral attempt of the aggrieved nations to enforce its rights to the great act of society main-

taining law and order in the world. Of course that is the greatest step of progress that society has ever undertaken.

"Well," they say, "that is good, but what about war? Supposing that all these benign influences, all these benevolent purposes fail, and it appears to the executive council that it is necessary to use the armed forces of the United States, how are you going to make that effective, that is, by having it operate quickly enough on the trouble to suppress it before it gets into a big conflagration?" Well, it is just this way: First, we will make our organization for the enforcement of security and peace in the world. Second, we will see to it that every country after having ratified the basic treaty setting up this organization, every country that is a member of that treaty will determine by its own parliamentary process what the authority of its delegate to that council shall be. Nothing less than that would satisfy the people of any country.

This country would not be satisfied to have the commission of its delegate to the council depend upon the decision of any other country. Each country will have to decide for itself what acts of its delegate may be done without further authority. That is why I say it is premature for the isolationists to raise that issue. It will not arise until we have first agreed upon a basic treaty that sets up an organization. Then, of course, it will be up to the United States Congress to determine what this office is. It will take an act of Congress to create this office, and Congress may say this office is great enough to have the dignity of a cabinet position. And so Congress creates the office, defines its powers, fixes its limitations, and makes appropriations to support it, and in so doing says there is one fundamental thing this office shall not have the power to do, and that is to declare war. The power to declare war is up to Congress, and Congress cannot delegate it and will not delegate it; but all those other acts of a lesser nature amounting to an interposition of armed forces we will delegate. Our delegate need not come back to us each time the question arises whether he ought to vote to send some of our people to a certain place to prevent or repel aggression. That is not declaring war. Of course, war may succeed as it did in China, at the time of the Boxer uprising, but in such event Congress would have ample time in which to pass upon the question of whether Congress wanted to declare war.

I don't know how long I have talked—I have talked too long already. I will detain you only long enough to point out that over a hundred cases have occurred already in the world where armed forces of the United States have been interposed on the soil of a country not at war with us, for the purpose of protecting the peace and security of the United States citizen abroad. It is not novel. It is an old precedent. And in addition to that, numerous cases have occurred where a show of armed force has been made, like the sending of the fleet around the world by President Theodore Roosevelt—numerous occasions when an invasion has not occurred, with a show of force sufficient to just put down that spark of trouble which is seen to be arising in the world.

If we have from time to time, more than a hundred times, employed the armed forces of the United States without any declaration of war and solely by the act of the Chief Executive, and those times have been successful in preserving the peace and preventing a war, how much more is it to be expected that armed forces directed by society, by an international organization would accomplish that moral result which we have been able to accomplish by our own act, our sole act. Contrast the influence, the prestige, and the power of such a great international organization to that of the United States alone, and you must arrive at the conclusion that the

experience of history speaking to us with venerable accent justifies us in the expectation that we would probably never have the result of a condition of war flowing from the direction of armed forces sent out for the purpose of preventing or repelling military aggression at the earliest time that it appears.

Now I thank you very much for the privilege of talking with you about this subject. I feel that I have not done it justice, but if you will take from me tonight some of the earnestness that I feel, that we here at home give all that it takes to prevent another war, then these spurious debates over sovereignty, these external and irrelevant and immaterial issues that are thrown in the way of this simple treaty setting up a world organization for security and peace will have little weight. I feel sure that Vermont will be where she always has been, at the van of the fight meeting the challenge of opportunity to erect an international organization under whose protection peace can be attained that will prevail.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

WESTERN RECLAMATION DEVELOPMENT

A letter from the Secretary of the Interior in relation to reclamation development in the western United States, and calling attention to recent proposals regarding the river and harbor bill and the flood-control bill, and stating, in part, "These proposals, if adopted, would breach the long-established policies of the Congress under which reclamation development in the West has proceeded since 1902 in a manner that has gained for it bipartisan and Nation-wide support. It would be tragic if the basic reclamation policies of the Nation were breached by the pressure of shortsighted and selfish local interests"; to the Committee on Irrigation and Reclamation.

PAYMENTS BY OFFICER PATIENTS IN ST. ELIZABETHS HOSPITAL OR PUBLIC HEALTH HOSPITALS

A letter from the Administrator of the Federal Security Agency, transmitting a draft of proposed legislation to provide that commissioned and warrant officers placed in St. Elizabeths Hospital or certain United States Public Health Service hospitals shall be liable to pay such rate per day as may be prescribed from time to time by the President, and to authorize the heads of the several agencies to deduct such sum from their pay and to transmit it to St. Elizabeths Hospital (with an accompanying paper); to the Committee on Military Affairs.

AUGUST 1944 REPORT OF THE R. F. C.

A letter from the Chairman of the Board of the Reconstruction Finance Corporation, transmitting, pursuant to law, a confidential report of the Corporation for the month of August, 1944 (with accompanying papers); to the Committee on Banking and Currency.

PERSONNEL REQUIREMENTS

Two letters from the Acting Secretary of the Treasury, transmitting, pursuant to law, supplemental estimates of personnel requirements for the Bureau of the Mint and the Procurement Division, Lend-Lease, under the Treasury Department for the quarter ending December 31, 1944; and also a letter from the Director of the Office of Censorship, transmitting, pursuant to law, an estimate of personnel requirements for that office for the quarter ending December 31, 1944 (with accompanying papers); to the Committee on Civil Service.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of the

Departments of the Treasury (5), War (9), Post Office, Justice, Navy (3), Agriculture, and Labor; Federal Works Agency (2), Federal Power Commission, Federal Security Agency (3), and Office of Price Administration which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. BARKLEY and Mr. BREWSTER members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate by the Vice President and referred as indicated:

A letter in the nature of a petition from the American University Park Citizens Association, Washington, D. C., favoring the prompt confirmation of the nomination of Guy Mason, of the District of Columbia, for reappointment for a term of 3 years as Commissioner of the District of Columbia; ordered to lie on the table.

A resolution by the Council of the City of Minneapolis, Minn., protesting against the enactment of legislation hampering or impeding the free use of inland waterway transportation facilities by requiring as a condition precedent to the making of appropriations for waterway projects for which a transportation value is claimed, a finding from the Interstate Commerce Commission; to the Committee on Commerce.

A resolution adopted by members of the Redlands (Calif.) Chapter of the Knights of the Round Table and its guests assembled, protesting against the ratification of a treaty between the United States of America and the United Mexican States relating to the waters of the Rio Grande, the Colorado, and the Tijuana Rivers; to the Committee on Foreign Relations.

THE BAILEY AMENDMENT TO FLOOD-CONTROL BILL—TELEGRAM FROM THE GOVERNOR OF MONTANA

Mr. WHEELER. Mr. President, I offer for the RECORD and appropriate reference a telegram which I have received from the Governor of my State, the Honorable Sam C. Ford, in which he states:

HELENA, MONT., November 24, 1944.

Am opposed to Senator BAILEY's amendment to flood-control bill relating to disposal of power generated from multiple-purpose dams.

SAM C. FORD, Governor.

The VICE PRESIDENT. Without objection, the telegram will be received and lie on the table.

SETTLEMENT OF RAILROAD STRIKE IN THE CHICAGO AREA—PETITION

Mr. BROOKS. Mr. President, Mr. Otto J. Uhlir, 185 East Wilson Street, Elmhurst, Ill., has transmitted to me a petition signed by 61 commuters on the Chicago, Aurora & Elgin Railroad for the settlement of a strike which has been pending on the Chicago, North Shore & Milwaukee Railroad and the Chicago, Aurora & Elgin Railroad for the past week.

This strike has discommoded many employees of essential industries who use these roads to reach their places of employment. The various agencies of the Government have failed in obtaining an adjustment of differences.

The employees ask for a 9 cents per hour increase in pay, which is the equivalent of the increase granted by the President to the railroad workers earlier this year. The Government agencies were willing to approve a 5-cent increase, but disapproved the 9-cent increase.

The War and Navy Departments hold that arrangements have been made for the accommodation of their workers in essential industries, and have not certified the strike to the President as detrimental to the war in impeding the transportation of war necessities. As a result, a deadlock has ensued which leaves settlement apparently to the employers and employees. It is this situation for which the signers of the petition request alleviation.

I ask unanimous consent to include the letter and the petition, without the names of the signers, following my remarks, and that the letter and petition be properly referred.

I also have received the following telegram from Mr. LeRoy Mote, president of the Elgin Association of Commerce, advising me that 2,200 residents of the Elgin area are being embarrassed by this strike:

Chicago, Aurora & Elgin Railroad serves critical labor-shortage area. Strike on this road now in fifth day seriously handicapping some 2,200 Elgin area Chicago commuters, many of whom are war workers. Essential freight movements into Elgin and neighboring communities also completely cut off. Urge immediate attention be given this situation.

Other telegrams and letters were received, protesting against the continuance of the strike and urging its settlement.

There being no objection, the letter and the petition were received, referred to the Committee on Interstate Commerce, and ordered to be printed in the RECORD without the signatures attached, as follows:

ELMHURST, ILL., November 20, 1944.

HON. C. WAYLAND BROOKS.

HONORABLE SIR: Herewith present for your consideration 60-signature petition regarding nonservice on Chicago, Aurora & Elgin R. R.

Thanking you in advance for any action you may take in the matter, I am,

Yours truly,

OTTO J. UHLIR.

ELMHURST, ILL., November 18, 1944.

HON. C. WAYLAND BROOKS,

United States Senator, Washington, D. C.

Whereas the Chicago, Aurora & Elgin R. R. has discontinued service as of November 10, 1944;

Whereas this has caused undue delay to all essential workers thereby having a detrimental effect on the war effort: Therefore

We the undersigned citizens of the United States of America, commuters on above mentioned railroad, herewith petition you as our representative to use your judgment and influence in alleviating this nonservice as above-mentioned.

NATIONAL ST. LAWRENCE ASSOCIATION

Mr. AIKEN. Mr. President, on November 21 a group of leading American businessmen met at Detroit and organized the National St. Lawrence Association. The announced purpose of this association is to foster foreign trade and to give the industries and farmers of the Midwest direct access to world

markets, as well as to our own inter-coastal markets.

Among those participating in this association, according to a list which has been handed to me, are the following well-known businessmen:

Julius H. Barnes, of Duluth, three times president, United States Chamber of Commerce; Edward J. Noble, chairman of the board, Blue Network, New York; Henry Ford 2d, executive vice president, Ford Motor Co.; Daniel W. Hoan, former mayor of Milwaukee and president, Great Lakes Harbor Association; Fred J. Freestone, former chairman, executive committee, National Grange, Syracuse, N. Y.

Murray Lincoln, secretary, Ohio Farm Bureau, Columbus, Ohio; Cyrus Eaton, president, Otis & Co., Cleveland, Ohio; William Loeb, president, Burlington Daily News, Burlington, Vt.; Bernard Ridder, publisher, Pioneer Press, St. Paul, Minn.; Rollo F. Hunt, Duluth, Minn., chairman, Minnesota Great Lakes Tidewater Commission.

Perry W. Jenkins, National Reclamation Association, Salt Lake City, Utah; Perry H. Stevens, president, Commercial Securities, Gary, Ind.; William L. White, publisher, Emporia Gazette, Emporia, Kans.; Donald S. Kiskadden, vice president and general manager, Buhl Land Co., Detroit, Mich.; John C. Beukema, secretary, Michigan Great Lakes Tidewater Commission, Muskegon, Mich.

George E. Hardy, chairman, Ohio Waterways Commission, Toledo, Ohio; Roy W. Gifford, vice president and general manager, Norge Division, Borg-Warner Co.; Clarence J. Reese, president, Continental Motors, Muskegon, Mich.; Manfred Burleigh, president, Great Lakes Greyhound Corporation, Detroit; James E. Davidson, shipbuilder, Bay City, Mich.

W. A. Stinchcomb, director, Cleveland Metropolitan Park District, Cleveland, Ohio; Murray D. VanWagoner, Detroit, former Governor of Michigan; E. B. Crosby, Northern Federation Chambers of Commerce, Massena, N. Y.; Jo Winterbotham, chairman, Champlain Valley Council, Burlington, Vt.

I understand that this is only a partial and preliminary list of the prominent businessmen of the United States who have united in this association for the purpose of bringing about the Great Lakes-St. Lawrence waterway development.

The association elected Julius H. Barnes, president; W. C. Cowling, executive director, Detroit Port Commission, as executive vice president; and Allen Dean, transportation manager, Detroit Board of Commerce, secretary-treasurer.

In announcing the organization of the association, Mr. Barnes, the president, stated that members participating in the organization were motivated by the conviction that the solution of the critical post-war problem of employment makes it imperative that steps be taken now to lift the transportation handicap of the great Middle West. As one phase the association hopes for early favorable action in Congress on the pending St. Lawrence seaway and power agreement.

The association office has been opened at 2200 Buhl Building, Detroit 26, Mich.

I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a resolution which was adopted at the meeting of businessmen in Detroit.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

The St. Lawrence navigation and power project has repeatedly been advocated by the responsible leadership of both parties and has been officially recommended by every President since before World War No. 1, as an improvement that will promote the security of the whole Nation and benefit all our people in war and in peace.

On October 24, 1944, in messages made public by Senator GEORGE D. AIKEN, at the St. Lawrence conference at Detroit, President Franklin D. Roosevelt, and Gov. Thomas E. Dewey expressly renewed their previous endorsements of the St. Lawrence project in its entirety and joined in pledging its construction as a nonpartisan, post-war measure.

The merits of the St. Lawrence project are now beyond controversy, since it has been investigated and studied over the past 25 years by numerous international commissions and engineering boards, and by the United States Department of State, the War and Navy Departments, the Department of Commerce, the United States Corps of Engineers, the United States Maritime Commission, and in each instance the engineering, economic, and national defense advantages of the project have been unanimously approved.

The Senate Foreign Relations Committee in 1933 and the House Rivers and Harbors Committee in 1941 held extensive and exhaustive hearings covering every aspect of the project and overwhelmingly approved it.

The St. Lawrence project has the support of outstanding leaders of all parties in the Congress of the United States, among them Majority Leader Senator ALBEN BARKLEY, of Kentucky, the chairman of the Senate Banking Committee, Senator ROBERT F. WAGNER, of New York; Senator LISTER HILL, of Alabama; Senator JAMES MURRAY, of Montana; Senator GEORGE D. AIKEN, of Vermont; Senator ARTHUR VANDENBERG and Senator HOMER FERGUSON, of Michigan; Senator HENRIK SHIPSTEAD and Senator JOSEPH BALL, of Minnesota; Senator ARTHUR CAPPER and Senator CLYDE REED, of Kansas; Senator ROBERT LA FOLLETTE and Senator ALEXANDER WILEY, of Wisconsin, and many more of their colleagues in the United States Senate, as well as many leaders in the House of Representatives, the Speaker of the House, SAM RAYBURN; the chairman of the Rivers and Harbors Committee, Judge J. J. MANSFIELD; Congressmen LOUIS RABAUT and JOHN D. DINGELL, of Michigan, WILLIAM FITTENGGER, of Minnesota, and a large number of their colleagues.

The Canadian-American agreement now before Congress was submitted to the Senate and the House in March 1941. The House Committee on Rivers and Harbors, under the leadership of its great chairman, Judge J. J. MANSFIELD, took jurisdiction over the measure after hearing arguments of the opposition that it should be submitted only to the Senate for two-thirds approval. The committee favorably reported the bill to the House but action was delayed by the attack on Pearl Harbor. In the Senate for 3½ years, no question was raised as to the power of the President to enter into such an agreement. The constitutional basis of the agreement is in the well-recognized power of the President in international relations and the power of Congress over domestic and foreign commerce, as well as the Boundary Waters Treaty of 1909, which provides for further improvements of the St. Lawrence Basin by

joint legislative action of the legislatures in Canada and the United States.

Any attempt made by opponents of the project to raise the issue of treaty versus agreement is an obstructionist tactic to frustrate the will of the people and to break the pledges of both major parties and their leaders for 30 years. At a time when both parties are dedicated to creating unity in the world for peace and prosperity, a recalcitrant minority representing sectional or special interests must not be allowed to divide our country and to destroy the constructive program of both parties for creative employment for war workers and returning veterans.

The National St. Lawrence Association, therefore, commends the announced intention of Senator GEORGE D. AIKEN to obtain early approval of the St. Lawrence project on the floor of the Senate, and appreciates the support of President Roosevelt and Majority Leader BARKLEY for Senator AIKEN's program of action.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on Public Lands and Surveys:

S. 1581. A bill to authorize the Secretary of War to acquire lands and provide facilities to replace Indian fishing grounds submerged or destroyed as a result of the construction of the Bonneville Dam; without amendment (Rept. No. 1189);

H. R. 1654. A bill to authorize the acquisition, rehabilitation, and operation of the facilities for the public in the Olympic National Park, in the State of Washington, and for other purposes; without amendment (Rept. No. 1190); and

H. R. 5232. A bill to transfer jurisdiction over the Chattanooga National Cemetery, Chattanooga, Tenn., from the Department of the Interior to the War Department, and for other purposes; without amendment (Rept. No. 1191).

By Mr. GURNEY, from the Committee on Public Lands and Surveys:

S. 2141. A bill to provide for the acceptance and protection by the United States of property within the authorized boundaries of the Everglades National Park project, Florida, pending the establishment of the park, and for other purposes; without amendment (Rept. No. 1192).

By Mr. ELLENDER, from the Committee on Claims:

H. R. 4366. A bill for the relief of Alex Wylie and the estate of James Evans; with an amendment (Rept. No. 1193).

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ELLENDER:

S. 2198. A bill for the relief of the New England Telephone & Telegraph Co.; to the Committee on Claims.

By Mr. WALSH of Massachusetts:

S. 2199. A bill to provide reimbursement for personal property lost, damaged, or destroyed, as the result of an explosion at the Naval Air Station, Norfolk, Va., on September 17, 1943; to the Committee on Naval Affairs.

(Mr. BUSHFIELD introduced S. J. Res. 157, which was referred to the Committee on the Judiciary, and appears under a separate heading.)

By Mr. CONNALLY:

S. J. Res. 158. Joint resolution recognizing the outstanding service rendered to the United Nations by Field Marshal Sir John Dill; to the Committee on Foreign Relations.

ELECTION OF THE PRESIDENT AND VICE PRESIDENT BY POPULAR VOTE—PROPOSED CONSTITUTIONAL AMENDMENT

Mr. BUSHFIELD. I ask unanimous consent to introduce for appropriate reference a joint resolution proposing an amendment to the Constitution of the United States. The purpose of the joint resolution is to abolish the electoral college and to make the selection of President and Vice President by popular vote.

There being no objection, the joint resolution (S. J. Res. 157) proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President, was received, read twice by its title and referred to the Committee on the Judiciary.

HOUSE BILL REFERRED

The bill (H. R. 4911) to amend the Federal Crop Insurance Act, was read twice by its title and referred to the Committee on Agriculture and Forestry.

RIVER AND HARBOR IMPROVEMENTS—AMENDMENT

MR. TYDINGS submitted an amendment intended to be proposed by him to the bill (H. R. 3691) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was ordered to lie on the table and to be printed.

FLOOD CONTROL PROJECTS—AMENDMENTS

Mr. O'MAHONEY (for himself, Mr. AUSTIN, Mr. BUSHFIELD, Mr. CHAVEZ, Mr. CLARK of Idaho, Mr. DOWNEY, Mr. HATCH, Mr. HAYDEN, Mr. JOHNSON of Colorado, Mr. LANGER, Mr. McCARRAN, Mr. MCFARLAND, Mr. MILLIKIN, Mr. MURDOCK, Mr. MURRAY, Mr. NYE, Mr. ROBERTSON, Mr. SCRUGHAM, Mr. THOMAS of Utah, Mr. THOMAS of Idaho, Mr. WHEELER, and Mr. WILSON) submitted amendments intended to be proposed by them, jointly, to the bill (H. R. 4485) authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes, which were ordered to lie on the table and to be printed.

Mr. BURTON submitted an amendment intended to be proposed by him to House bill 4485, supra, which was ordered to lie on the table and to be printed.

Mr. ROBERTSON (for Mr. BUCK) submitted an amendment intended to be proposed by Mr. BUCK to House bill 4485, supra, which was ordered to lie on the table and to be printed.

Mr. MILLIKIN (for himself and Mr. JOHNSON of Colorado) submitted an amendment intended to be proposed by them jointly to House bill 4485, supra, which was ordered to lie on the table and to be printed.

INVESTIGATION OF INTERNATIONAL COMMUNICATIONS BY WIRE AND RADIO—INCREASE IN LIMIT OF EXPENDITURES

Mr. MCFARLAND (for himself, Mr. WHEELER, and Mr. WHITE) submitted the following resolution (S. Res. 340), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the limit of expenditures of the Committee on Interstate Commerce under Senate Resolution 268, Seventy-eighth Congress, agreed to March 29, 1944 (relating to an investigation of international communications by wire and radio), is hereby increased by \$10,000.

REVIEW OF REPORTS ON GULF INTRACOASTAL WATERWAY (S. DOC. NO. 248)

Mr. CONNALLY presented a letter from the Secretary of War, transmitting a report dated October 7, 1944, from the Chief of Engineers, United States Army, on a review of reports on the Gulf Intracoastal Waterway, with a view to determining if it is advisable to modify the existing project in any way, particularly with reference to the construction of a side channel and turning basin in Red Fish Bay, which, with the accompanying report, was referred to the Committee on Commerce and ordered to be printed with an illustration.

UTILIZATION OF WATERS OF THE COLORADO AND TIJUANA RIVERS AND OF THE RIO GRANDE—PROTOCOL

As in executive session,

Mr. CONNALLY. Mr. President, the President of the United States has sent to the Senate a protocol supplementary to the treaty between the United States and Mexico with reference to the waters of the Colorado and Tijuana Rivers and the Rio Grande. I ask unanimous consent that the protocol be referred to the Committee on Foreign Relations, and that the ban of secrecy be removed therefrom.

The VICE PRESIDENT. Without objection, as in executive session, the request of the Senator from Texas is granted, and the protocol will be published in the RECORD.

The protocol (Executive H, Seventy-eighth Congress, second session) is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a protocol, signed in Washington on November 14, 1944, supplementary to the treaty between the United States of America and the United Mexican States relating to the utilization of the waters of the Colorado and Tijuana Rivers and of the Rio Grande (Rio Bravo) which was signed in Washington on February 3, 1944.

I also transmit for the information of the Senate a report on the protocol made to me by the Acting Secretary of State.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, November 24, 1944.

[Enclosures: 1. Report of the Acting Secretary of State.

2. Protocol, signed November 14, 1944, supplementary to treaty between United States and Mexico signed February 3, 1944.]

DEPARTMENT OF STATE,
Washington, November 22, 1944.

The PRESIDENT,
The White House.

Mr. PRESIDENT: The undersigned, the Acting Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if

his judgment approve thereof, a protocol, signed in Washington on November 14, 1944, supplementary to the treaty between the United States of America and the United Mexican States relating to the utilization of the waters of the Colorado and Tijuana Rivers and of the Rio Grande (Rio Bravo), which was signed in Washington on February 3, 1944.

The treaty of February 3, 1944, was transmitted to the Senate by the President with his message of February 15, 1944, with a view to receiving the advice and consent of the Senate to ratification thereof. The texts of the treaty and of the President's message, together with the text of the report of the Secretary of State dated February 9, 1944, have been printed in Senate Executive A, Seventy-eighth Congress, second session. The treaty was referred to the Committee on Foreign Relations of the Senate on February 15, 1944.

The purpose of the protocol is to clarify the meaning and application of those provisions of the treaty which relate to the functions and jurisdiction of the respective sections of the International Boundary and Water Commission in connection with the construction or use of works for storage or conveyance of water, flood control, stream gaging, or for any other purpose.

By its own terms the protocol is to be regarded as an integral part of the treaty of February 3, 1944, and shall be effective beginning with the day of the entry into force of the treaty, continuing effective so long as the treaty remains in force. Accordingly, after such time as the Senate may have given its advice and consent to the ratification of the treaty and protocol, the protocol should be ratified together with the treaty. It is provided in the protocol, as in the treaty, that the ratifications shall be exchanged in Washington.

Respectfully submitted.

EDWARD R. STETTINIUS, Jr.,
Acting Secretary of State.

[Enclosure: Protocol, signed November 14, 1944, supplementary to treaty between United States and Mexico relating to waters of the Colorado and Tijuana Rivers and of the Rio Grande signed February 3, 1944.]

PROTOCOL

The Government of the United States of America and the Government of the United Mexican States agree and understand that:

Wherever, by virtue of the provisions of the Treaty between the United States of America and the United Mexican States, signed in Washington on February 3, 1944, relating to the utilization of the waters of the Colorado and Tijuana Rivers and of the Rio Grande from Fort Quitman, Texas, to the Gulf of Mexico, specific functions are imposed on, or exclusive jurisdiction is vested in, either of the Sections of the International Boundary and Water Commission, which involve the construction or use of works for storage or conveyance of water, flood control, stream gaging, or for any other purpose, which are situated wholly within the territory of the country of that Section, and which are to be used only partly for the performance of treaty provisions, such jurisdiction shall be exercised, and such functions, including the construction, operation, and maintenance of the said works, shall be performed and carried out by the Federal agencies of that country which now or hereafter may be authorized by domestic law to construct, or to operate and maintain, such works. Such functions or jurisdictions shall be exercised in conformity with the provisions of the Treaty and in cooperation with the respective Section of the Commission, to the end that all international obligations and functions may be coordinated and fulfilled.

The works to be constructed or used on or along the boundary, and those to be constructed or used exclusively for the discharge

of treaty stipulations, shall be under the jurisdiction of the Commission or of the respective Section, in accordance with the provisions of the Treaty. In carrying out the construction of such works the Sections of the Commission may utilize the services of public or private organizations in accordance with the laws of their respective countries.

This Protocol, which shall be regarded as an integral part of the aforementioned Treaty signed in Washington on February 3, 1944, shall be ratified and the ratifications thereof shall be exchanged in Washington. This Protocol shall be effective beginning with the day of the entry into force of the Treaty and shall continue effective so long as the Treaty remains in force.

In witness whereof the respective Plenipotentiaries have signed this Protocol and have hereunto affixed their seals.

Done in duplicate, in the English and Spanish languages, in Washington, this fourteenth day of November, 1944.

For the Government of the United States of America:

[SEAL] E. R. STETTINIUS, Jr.,
Acting Secretary of State
of the United States of America.

For the Government of the United Mexican States:

[SEAL] F. CASTILLO NÁJERA,
Ambassador Extraordinary and Plenipotentiary of the United Mexican States in Washington.

C. I. O. CONVENTION ADDRESS BY THE VICE PRESIDENT

[Mr. LUCAS asked and obtained leave to have printed in the RECORD the address delivered by the Vice President at the annual convention of the C. I. O. in Chicago, Ill., on November 21, 1944, which appears in the Appendix.]

REORGANIZATION OF CONGRESS—ADDRESS BY SENATOR DAVIS BEFORE PITTSBURGH LEAGUE OF WOMEN VOTERS

[Mr. DAVIS asked and obtained leave to have printed in the RECORD an address entitled "Reorganization of Congress," delivered by him before the League of Women Voters at Pittsburgh, Pa., on October 6, 1944, which appears in the Appendix.]

TRIBUTE TO THE LATE SENATOR ELLISON D. SMITH

[Mr. MAYBANK asked and obtained leave to have printed in the RECORD an editorial tribute to the late Senator Ellison D. Smith, of South Carolina, published in the State, of Columbia, S. C., of November 18, 1944, which appears in the Appendix.]

EDITORIAL TRIBUTES TO JAMES A. FARLEY

[Mr. GERRY asked and obtained leave to have printed in the RECORD an editorial entitled "Jim Farley, Business Man," published in the Tucson Daily Citizen for June 12, 1944, and an editorial entitled "Jim Farley's Americanism," published in the Savannah News for July 24, 1944, which appear in the Appendix.]

TRIBUTE TO JOSEPHUS DANIELS BY RALPH MCGILL

[Mr. HILL asked and obtained leave to have printed in the RECORD an article by Ralph McGill, entitled "Greatest Southerner?" paying tribute to Josephus Daniels, which appears in the Appendix.]

WELCOME TO THE PRESIDENT ON HIS RETURN TO WASHINGTON—ARTICLE BY JAMES E. CHINN

[Mr. BILBO asked and obtained leave to have printed in the RECORD an article by James E. Chinn, published in the Washington Post, describing the welcome to the

President of the United States on his return to Washington after the election, which appears in the Appendix.]

MEDICAL PROBLEMS PRESENTED BY AVIATION—PAPER BY DR. A. J. HERBOL-SHEIMER

[Mr. BROOKS asked and obtained leave to have printed in the Record a paper on the subject of the medical problems presented by aviation, prepared by Dr. A. J. Herbolzheimer, Assistant Chief of the Aviation Medical Division, Civil Aeronautics Administration, which appears in the Appendix.]

DEVELOPMENT OF ST. LAWRENCE RIVER—EDITORIAL COMMENT

[Mr. AIKEN asked and obtained leave to have printed in the Record two editorials and an article on the subject of the St. Lawrence waterway development, which appear in the Appendix.]

THE ST. LAWRENCE SEAWAY—EDITORIAL FROM ST. CLOUD (MINN.) TIMES

[Mr. LANGER asked and obtained leave to have printed in the Record an editorial entitled "East Still Fights Seaway," published in the St. Cloud (Minn.) Times for November 17, 1944, which appears in the Appendix.]

FLOOD-CONTROL PROJECTS

The Senate resumed the consideration of the bill (H. R. 4485) authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the committee amendment as modified, to insert section 5, on which the yeas and nays have been ordered. The clerk will read the agreement providing for limitation of debate.

The legislative clerk read as follows:

Ordered by unanimous consent, That during the further consideration of the pending amendment (Bailey amendment) no Senator shall speak more than once or longer than 15 minutes on the amendment or any amendment thereto.

Mr. PEPPER obtained the floor.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. PEPPER. If my time will not begin to run until I begin to speak, I shall not be embarrassed by the limitation on debate, but I think the limitation on debate really applies from the time the Senator from Florida was recognized. Otherwise I should be very glad to yield.

Mr. HATCH. I withdraw the request.

Mr. HILL. Will the Senator yield so that I may suggest the absence of a quorum?

Mr. PEPPER. Mr. President, would the time for a quorum call be taken out of the time of the speaker?

The VICE PRESIDENT. A quorum call would come out of the Senator's time.

Mr. PEPPER. Very well, then I shall proceed.

Mr. President, the amendment pending before the Senate, known as the Bailey amendment, in my opinion is a very critical subject for the Senate to discuss. The able chairman of the Committee on Commerce, of which I have had the honor to be a member since I have been in the Senate, I think intends to reverse the public power policy of the United States Government. I do not think the able Senator has been reluctant to express that purpose. I am

sure that those who have made a study of the amendment would agree that if the amendment were adopted it would have that effect.

I cannot but imagine, as I contemplate this amendment and the proposed change in the power policy of the United States, what sentiments would be expressed in the Senate upon this amendment by that great soul now departed from us who formerly was the symbol for the protection of public power in America, and the development of America's resources for public use, the lamented Senator George W. Norris, of Nebraska. I believe there is not a Senator on this floor who does not believe that if Senator George W. Norris were a Member of this body the full weight of his eloquence, and character, and ability, would be thrown against the amendment, for Senator George W. Norris would recognize that the amendment proposed practically would strangle the distribution of public power at the very source of it, the dam at which the power was generated.

Mr. President, my State is so geographically constituted that it has very little opportunity for the development of hydroelectric power. I wish the opportunities were greater. But in the last few months as on previous occasions, it has been my privilege to visit the great West, and particularly the areas around about those mighty dams which have been constructed in that section, the Coulee Dam, the Bonneville Dam, the Boulder Dam, and others in other parts of our country. I know that if we permit the adoption of such an amendment as is pending here today it will mean the strangulation of the distribution of that public power. It will retard and prevent the development of those great areas now in process of consumption, agriculturally and industrially. It will mean that where arid lands are today there will continue to be arid lands, instead of fertile lands watered into great fruitfulness by the magnificent sources of power which have been created there by public act. It will mean, Mr. President, that those arid lands will continue to be desert instead of the sites of great cities, as will occur if we permit the progression and the expansion of the public power policies which have been followed by the Government essentially since this administration has been in power.

The amendment of the Commerce Committee as it was originally reported provided adequate safeguards for private power companies. It provided that the Secretary of the Interior should not have authority to build distribution lines unless it were necessary in the public interest to do so; that is to say, unless it were necessary to build those lines by the Government in order to afford a proper distribution of public power at reasonable rates.

Those two requirements are singularly absent from the amendment of the able chairman of the committee. He provides that the Government cannot build an extension line unless an offer is made by a private company for the purchase of the power, or unless private companies do purchase the power. But, Mr. President, it will be noted it does not provide the

safeguard the original amendment provides, that the distribution of the power must cover the area which properly should be served, at fair and reasonable rates. If a private company offered to take all the power which the dam generated and produced, or 90 percent of it, and distribute it in a small segment of the area which should be served by the great dam, then the amendment of the Senator from North Carolina would be satisfied, and there would be no power on the part of public authority to serve the rural sections or the other areas in that larger area which should be the beneficiaries of this great source of hydroelectric power.

Moreover, Mr. President, if the private company said, "Yes, we will take 90 percent of the power generated, but we are going to distribute at rates which we desire, or which we may be able to get by a State regulatory agency," that, too, would satisfy the requirements of the Bailey amendment, that would prohibit any public authority from extending lines out into the area which should be served in order to get that publicly generated power into the hands of users at reasonable rates.

So, Mr. President, it might as well be admitted that the purpose of the amendment is to protect the private power companies and deprive the people of the use of public power generated at public expense and which ought to be for public use. To my mind this proposal represents a brazen effort to reverse the public power policy of this Government, which has been initiated and carried out under this administration.

It seems to me, therefore, Mr. President, that those who are aware of what has been accomplished by this policy in all sections of the country would join in a concerted effort to defeat the amendment. It would seem to me especially that Senators who come from the great West, where dams have already been built, would not permit the strangulation of their cities and the fertile farms which are to grow around the dams, by the adoption of such a policy as is proposed by the amendment. It would seem to me that Senators who contemplate the improvement and development of the great rivers yet to be harnessed by other power authorities—and, as I recall, the President in one of his speeches during the campaign enumerated six or eight great river systems with respect to which authorities ought to be set up in order to harness the power of those streams and turn them into the service of the public—would come to the side of those who are opposed to this amendment.

It would further seem to me that all those interested in the opening up of the great mineral resources of the West and other areas of the country where such resources are to be found would not desire to deny to the public the power necessary to help them in the development of those resources by changing the power policy of the United States as is contemplated by the pending amendment.

Mr. President, a little while ago there were some of us who thought that it might be the policy of some, if they came into power in the Government, to do something like this, because a very

able gentleman, seeking a high office, speaking in Portland, Oreg., Governor Bricker, of Ohio, announced that it was his opinion—I suppose he meant to say it was the policy of his party, or at least his policy and that of his running mate—that public power should not be publicly distributed from the site of the dam. There were a great many people in the West to my personal knowledge who thought they could appreciate the significance of that proposal and were grievously concerned about it. I believe that it has been the action of the people of this country to discourage that kind of proposed alteration in the power policy of the country, and to preserve the policy which we have so successfully pursued in the years past. That policy has not taken any advantage of any private power company. It has not, as is feared by the able chairman of the committee, duplicated the line of a private company without satisfying the constitutional requirement of paying the company the fair value of the private line of which it has been dispossessed. There can be no reasonable fear based on the experience of the past, therefore, that any private company is about to be ousted from the enjoyment of its proper field. It would seem to me therefore, Mr. President, that it is not experience, it is not proven results of the power policy of this Government which dictate this amendment, but it is the wish to serve the private instead of the public interest; the wish to see these great resources enjoyed for private profit rather than for public use, which actuates those who believe in such amendment as is proposed here today.

I hope therefore that the people of the West will not be disappointed, I hope that those living in the vicinity of these great rivers yet to be harnessed will not be disappointed by action taken in the Senate today. I hope other sections of the country, including my own South, which are in process of having their own resources tapped and their own rivers harnessed, may not be disappointed by the action which the Senate will take today. It is my belief therefore that the amendment is not in the public interest and should be defeated.

The VICE PRESIDENT. The question is on agreeing to the committee amendment, as modified.

Mr. HILL. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Cordon	Kilgore
Austin	Davis	La Follette
Bailey	Downey	Langer
Ball	Ellender	Lucas
Bankhead	Ferguson	McClellan
Barkley	George	McFarland
Bilbo	Gerry	McKellar
Brooks	Gillette	Maloney
Burton	Green	Maybank
Bushfield	Guffey	Mead
Butler	Gurney	Millikin
Byrd	Hatch	Murray
Capper	Hayden	Nye
Caraway	Hill	O'Daniel
Chandler	Jenner	O'Mahoney
Clark, Mo.	Johnson, Calif.	Overton
Connally	Johnson, Colo.	Pepper

Radcliffe	Thomas, Idaho	Wheeler
Revercomb	Thomas, Okla.	Wherry
Reynolds	Tunnell	White
Robertson	Tydings	Wiley
Russell	Vandenberg	Willis
Shipstead	Walsh Mass.	
Taft	Weeks	

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent from the Senate because of illness.

The Senator from New Mexico [Mr. CHAVEZ] and the Senator from Tennessee [Mr. STEWART] are absent because of illness in their families.

The Senators from Nevada [Mr. McCARRAN and Mr. SCRUGHAM] and the Senator from Utah [Mr. MURDOCK] are detained on official business for the Senate.

The Senator from Florida [Mr. ANDREWS], the Senator from Idaho [Mr. CLARK], the Senator from Mississippi [Mr. EASTLAND], the Senator from Missouri [Mr. TRUMAN], the Senator from New York [Mr. WAGNER], the Senator from Utah [Mr. THOMAS], the Senator from Washington [Mr. WALLGREN] and the Senator from New Jersey [Mr. WALSH] are necessarily absent.

Mr. WHERRY. The following Senators are necessarily absent:

The Senator from New Hampshire [Mr. BRIDGES], the Senator from Delaware [Mr. BUCK], the Senator from New Jersey [Mr. HAWKES], the Senator from Oklahoma [Mr. MOORE], the Senator from Kansas [Mr. REED], the Senator from Iowa [Mr. WILSON], and the Senator from Maine [Mr. BREWSTER].

The Senator from Oregon [Mr. HOLMAN] is absent because of illness in his family.

The Senator from Connecticut [Mr. DANAHY] is absent on important public business.

Mr. WHITE. I announce the necessary absence from the city of the Senator from New Hampshire [Mr. TOBEY].

The VICE PRESIDENT. Seventy Senators have answered to their names. A quorum is present.

Mr. ELLENDER. Mr. President, last Wednesday I had occasion to discuss the so-called Bailey amendment to the pending flood-control bill. I stated then, and I repeat now, that I favor the development of power by the Government because it is only by coordinated effort that our immense water resources can be adequately developed. I favor this development provided that it is under the supervision of the War Department, acting through its efficient Board of Engineers for Rivers and Harbors. Because of the close relationship that exists between the protection of our country from floods, the utilization of water for irrigation, and the development of electric power from our water resources, the Congress should insist that the War Department should be the instrumentality through which this important work is to be carried out.

During the course of my remarks I stated that the Bailey amendment was somewhat in conflict with the historical policy of Congress which had been established many years ago. I have a short synopsis of the various acts in which the Congress declared its policy in respect to the development of power. I ask unanimous consent that the synopsis be

printed at this point in the RECORD, following my remarks.

There being no objection, the synopsis was ordered to be printed in the RECORD, as follows:

The proposed amendment is in conflict with the historical policy of Congress, originally expressed in the Federal Water Power Act in 1920 and subsequently embodied in such legislation as the Boulder Dam Act, T. V. A. Act, the Bonneville Act, and the Fort Peck Act.

Thus section 7 (a) of the Federal Power Act (formerly the Federal Water Power Act) reads in part as follows:

"Section 7 (a). In issuing preliminary permits hereunder or licenses where no preliminary permit has been issued and in issuing licenses to new licensees under section 15 hereof the Commission shall give preference to applications therefor by States and municipalities provided the plans for the same are deemed by the Commission equally well adapted, or shall within a reasonable time to be fixed by the Commission be made equally well adapted to conserve and utilize in the public interest the water resources of the region; * * *"

By this legislation Congress established the policy of giving public bodies preferential access to the water power resources over which it had jurisdiction. This policy was carried into section 5 (c) of the Boulder Canyon Project Act of 1928.

The Tennessee Valley Authority Act embodies this policy in sections 10, 11, and 12, which read in part as follows:

"Sec. 10. The board is hereby empowered and authorized to sell the surplus power not used in its operations, and for operation of locks and other works * * *, to States, counties, municipalities, corporations, partnerships, or individuals, according to the policies herein set forth; and to carry out said authority the board is authorized to enter into contracts for such sale for a term not exceeding 20 years, and in the sale of such current by the board it shall give preference to States, counties, municipalities, and cooperative organizations of citizens or farmers, not organized or doing business for profit, but primarily for the purpose of supplying electricity to its own citizens or members. * * *"

"Sec. 11. It is hereby declared to be the policy of the Government so far as practical to distribute and sell the surplus power generated at Muscle Shoals equitably among the States, counties, and municipalities within transmission distance * * *"

"Sec. 12. In order to place the board upon a fair basis for making such contracts and for receiving bids for the sale of such power, it is hereby expressly authorized, either from appropriations made by Congress or from funds secured from the sale of such power, or from funds secured from the sale of bonds hereafter provided for, to construct, lease, purchase, or authorize the construction of transmission lines within transmission distance from the place where generated, and to interconnect with other systems."

The Bonneville Act embodies this policy in sections 2 (b) and 4 (a), as follows:

"Sec. 2 (b). In order to encourage the widest possible use of all electric energy that can be generated and marketed and to provide reasonable outlets therefor, and to prevent the monopolization thereof by limited groups, the administration is authorized and directed to provide, construct, operate, maintain, and improve such electric transmission lines and substations, and facilities and structures appurtenant thereto, as he finds necessary, desirable, or appropriate for the purpose of transmitting electric energy, available for sale, from the Bonneville project to existing and potential markets and, for the purpose of interchange of electric energy, to interconnect the Bonneville project with

other Federal projects and publicly owned power systems now or hereafter constructed."

"Sec. 4. (a) In order to insure that the facilities for the generation of electric energy at the Bonneville project shall be operated for the benefit of the general public, and particularly domestic and rural consumers, the Administrator shall at all times, in disposing of electric energy generated at said project, give preference to public bodies and cooperatives."

The Fort Peck Act contains sections 2 (b) and 4 (a) practically identical with those quoted from the Bonneville Act.

Mr. ELLENDER. Mr. President, I wish to emphasize some of the arguments made by me last Wednesday in opposition to the so-called Bailey amendment.

The proposed amendment would limit the Federal Government to a single purchaser who would be in a position practically to dictate terms. In other words, the Federal Government would be placed in the position little better than that of building power projects for private monopolies. The sections from the various acts placed in the Record a few moments ago by me are clearly designed to avoid such a situation and the decision of the Supreme Court in the Ashwander case, involving the T. V. A., recognized the right of the Federal Government to full opportunity to market its power in such a way as best to serve the public interest.

The experiences of the Federal Government in connection with the marketing of Muscle Shoals power, prior to the creation of the T. V. A., prove conclusively the fallacy of the proposed amendment. The private power company serving the region was paying less than 3 mills per kilowatt-hour for the power, while retailing power to residential consumers in the area for as much as 8 cents. The distinguished Senator from Alabama [Mr. HILL] called attention to the matter last Wednesday.

The proposed amendment is in conflict with the Government's general power policy as embodied in the acts heretofore referred to and in the Rural Electrification Administration Act. That policy is designed to assure the widest possible distribution of electricity at the lowest possible rates in order to build up the economic life of the regions in which power can be made available. The purpose includes the development of industry, the electrification of farms, the improvement of home life, and the general raising of living standards.

To accomplish this broad purpose, the Federal Government must retain the authority to deliver power without the "by your leave" of the local monopoly, whose high rates may be thwarting this very purpose. Thus in the Brazos River area in Texas, the decision of the Brazos River Authority to build transmission lines and sell power to rural electric cooperatives led to a reduction from 12 mills to 6 mills per kilowatt-hour in the rates which the private company insisted it must charge for wholesale power supply to such cooperatives.

The proposed amendment is basically in conflict with the fundamental legal concept of such public services as the supplying of electricity. Historically such services have been universally recognized by the law as public or gov-

ernmental functions which the Government may perform itself, through its own agency, or permit a private agency to perform. In the latter case, the private agency is performing a public function and must be subject to governmental control.

The Federal agency responsible for marketing publicly developed power from resources subject to the authority of Congress must not be hamstrung in its efforts to perform this public function in whatever way will best serve the public interest.

I understand that it is proposed to modify the Bailey amendment so as to permit the Secretary of the Interior to build lines for the use of cooperatives that sell in rural areas. Such an amendment would improve the Bailey amendment, but preference would still remain in the hands of private industry.

The VICE PRESIDENT. The question is on agreeing to the committee amendment, as modified, to section 5, on page 4 of the bill. On this question the yeas and nays have been ordered.

Mr. VANDENBERG. Mr. President, let me inquire what the modification is.

The VICE PRESIDENT. The amendment as modified will be stated.

The LEGISLATIVE CLERK. It is proposed to amend section 5 by striking out all the language after the word "cooperatives" and the period on page 4, line 25, and ending on page 5, line 7, and insert in lieu thereof the following:

The sale of such electric power as may be generated at reservoir projects shall be made at the point of production, without special privilege or discrimination, so as to provide for the complete coordination of such power and energy with other power developments, both private and public, in the area contiguous with such projects. It shall be stipulated in connection with any sale that any and all savings realized by the purchasers shall be passed on under Federal regulation where no State regulation exists to the consuming public: *Provided*, That unless 90 percent of the firm power produced at such projects shall be demanded or purchased within 3 years after completion of construction of such projects, the Secretary of the Interior is authorized to construct transmission lines for the purpose of selling such power at wholesale.

So that section 5 as modified will read as follows:

SEC. 5. Electric power and energy generated at reservoir projects under the control of the War Department and in the opinion of the Secretary of War not required in the operation of such projects shall be delivered to the Secretary of the Interior, who shall transmit and dispose of such power and energy in such manner as to encourage the most widespread use thereof at the lowest possible rates to consumers consistent with sound business principles, the rate schedules to become effective upon confirmation and approval by the Federal Power Commission. Preference in the sale of such power and energy shall be given to public bodies and cooperatives. The sale of such electric power as may be generated at reservoir projects shall be made at the point of production, without special privilege or discrimination, so as to provide for the complete coordination of such power and energy with other power developments, both private and public, in the area contiguous with such projects. It shall be stipulated in connection with any sale that any and all savings realized by the purchasers shall be

passed on under Federal regulation where no State regulation exists, to the consuming public: *Provided*, That unless 90 percent of the firm power produced at such projects shall be demanded or purchased within 3 years after completion of construction of such projects, the Secretary of the Interior is authorized to construct transmission lines for the purpose of selling such power at wholesale.

Mr. BANKHEAD. Mr. President, to the pending amendment, I offer the amendment which I send to the desk, to be added at the end of the pending amendment.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The LEGISLATIVE CLERK. It is proposed that the following proviso be added to the amendment as modified:

Provided, That nothing herein shall prohibit the building of such transmission lines by the Federal Government or the Secretary of the Interior with Federal funds to supply rural electric associations organized for the purpose of supplying electric energy to rural districts.

Mr. BAILEY. Mr. President, I have no objection to the amendment. I have assured the distinguished Senator from Alabama that I would accept his amendment, and I ask that my amendment be modified according to the amendment proposed by the Senator from Alabama.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Alabama [Mr. BANKHEAD] to the so-called Bailey amendment, being the committee amendment, as modified, on page 4, after line 13.

The amendment to the committee amendment as modified was agreed to.

Mr. BARKLEY. Mr. President, what have we voted on?

The VICE PRESIDENT. The Senate has voted on the amendment offered by the Senator from Alabama [Mr. BANKHEAD] to the committee amendment as modified, being the so-called Bailey amendment. The amendment to the amendment was agreed to.

The question now recurs on the modified committee amendment as amended, on which the yeas and nays have been ordered.

Mr. VANDENBERG. Mr. President, in the absence of the Senator from Connecticut [Mr. MALONEY] I wish to inquire what has happened to the amendment which he gave notice last Wednesday he would offer? His amendment would strike out in line 8, page 3, of the so-called Bailey amendment the words "demanded or" and the words "within 3 years after", and insert before the word "completion" the word "upon", so that the amendment of the Senator from North Carolina would at that place read as follows:

That unless 90 percent of the firm power produced at such projects shall be purchased upon completion of construction of such projects, the Secretary of the Interior is authorized to construct transmission lines for the purpose of selling such power at wholesale.

Many of us are very much interested in the amendment. In the absence of the Senator from Connecticut I hesitate to press it. It would, however, make much difference in my attitude toward

the whole committee amendment if the amendment of the Senator from Connecticut were agreed to.

Mr. BAILEY. Mr. President, the Senator from Connecticut [Mr. MALONEY] sent word to me that he would be present in the Chamber at 1:15 o'clock this afternoon, and not before. I should very much like to have the final vote on the pending amendment deferred until the Senator from Connecticut has arrived. I am agreeable to his amendment, and I believe that I have the right to submit it myself and get it before the Senate at this time. If the Senator from Michigan wishes to have me yield to him for that purpose, I shall be glad to do so.

Mr. VANDENBERG. I should be very glad if the able Senator from North Carolina would accept the amendment.

Mr. BAILEY. I should like to submit it in order that it may be before the Senate for consideration. Mr. President, I send forward the amendment heretofore referred to by the Senator from Connecticut, known as the Maloney amendment. I strike out the name "Maloney" and substitute in its place the name "Bailey," but with the understanding that if the Senator from Connecticut comes into the Chamber and wishes the amendment to be known as his amendment, it may be so arranged. It is an amendment to the so-called Bailey amendment.

The PRESIDING OFFICER (Mr. LUCAS in the chair). The clerk will read the amendment offered by the Senator from North Carolina.

The LEGISLATIVE CLERK. On page 3, line 8, of the so-called Bailey amendment it is proposed to amend by striking out the words "demanded or" and the words "within 3 years after", and insert before the word "completion" the word "upon", so that the amendment of the Senator from North Carolina would at that place read as follows:

That unless 90 percent of the firm power produced at such projects shall be purchased upon completion of construction of such projects, the Secretary of the Interior is authorized to construct transmission lines for the purpose of selling such power at wholesale.

Mr. VANDENBERG. Mr. President, the amendment would strike out the 3-year twilight zone which has been, in my judgment, appropriately criticized.

Mr. PEPPER. Mr. President, I should like to say a word with reference to the proposed amendment. I should like to make it clear that I do not propose to vote for the amendment in any form unless it affects favorably the essential character of the original committee amendment. I cannot see how the amendment would overcome the objection some of us have to the committee amendment. In the first place, I believe the amendment to be impractical. It contemplates that by the time of the completion of a dam private companies shall have purchased in an effective way all or 90 percent of the firm power to be generated. That would mean that in contemplation of the completion of the dam, private companies must have constructed systems, laid them out, and actually begun the purchase of power,

if I understand the language of the amendment correctly, by the time of the completion of the dam. In the first place, I doubt very seriously whether private companies could conform to such requirements. I can conceive of an interval of time existing during which private companies might not have constructed the lines to use the power which would be furnished. The Federal Government would not be authorized to construct the lines, and the result would be that the power would be in existence and available, and yet no use could be made of it.

But, as I have said, the proposed amendment would not overcome the essential objection which some of us have raised to the committee amendment as amended, namely, that nothing in the committee amendment lays down any requirement that the rates at which private companies may distribute power shall be reasonable rates.

In the second place, there is no requirement in the so-called Bailey amendment that the private companies which would have the right to avail themselves of the power shall serve the area which ought to be served by the power, control of which the private companies would have.

Until the two essential deficiencies to which I have referred can be met, I cannot bring myself into accord with the so-called Bailey amendment, and I do not see how the deficiencies could be cured by the amendment which has just been offered by the Senator from North Carolina.

Mr. BARKLEY. Mr. President, I wish to state that the modification which would be brought about in the Bailey amendment by the acceptance of the so-called Maloney amendment would not remove my fundamental objection to the Bailey amendment. All it would do would be to require that the preferential status proposed by the Bailey amendment to be given to private corporations shall be exercised by the time the dam has been constructed. All that would be required would be for the proper authorities to make a contract in advance of the construction of the dam for 90 percent of the power to be generated by it. So long as the private corporations consumed 90 percent of the power in perpetual exercise of the right given them, no one else could purchase any power unless it be the 10 percent remaining after the 90 percent had been consumed. As I said the other day, I am not willing to give to anyone a preferential status in the consumption and use of power made possible by the expenditure of public money. If any preference is to be given it should be given to cooperatives, and, I believe, municipalities should be included with them. They are not now included in the amendment.

Mr. VANDENBERG. Yes; they are.

Mr. BARKLEY. They are not included in the Bankhead amendment. So all the amendment would do would be to remove the 3-year period and give to the preferred companies the right to move in during the construction of a dam and contract for the purchase of the power. So long as they consumed 90

percent of it, whether for 10 years or a hundred years, no one else would have any right to it. I assume that if they consumed 90 percent of the power, but little additional difficulty would be encountered in contracting for the entire amount. So even if the amendment were modified, a great many people would be excluded who should have the benefit of the power. For that reason I cannot support the amendment.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. AIKEN. Does not the Senator from Kentucky understand that the Bankhead amendment would not give any preference to municipal plants, but only to rural communities?

Mr. BARKLEY. That is correct.

Mr. AIKEN. There are hundreds of small towns and small cities and some larger cities all over the United States that have municipal plants, and even with the Bankhead amendment added, they would be unable to purchase low-cost power from these Government-constructed dams.

Mr. BARKLEY. The vice of this whole amendment is that it makes it necessary to come in on short notice and upon the verge of a vote to make modifications by piecemeal to take care of somebody in whom a Senator may be interested.

I agree with the Senator from Alabama and all other Senators that rural electrification organizations and cooperatives ought to be put upon an equal basis, at least, and, in my judgment, they ought to be given some preference. We have encouraged them; we have set them up by act of Congress; we are loaning money to them on an amortization plan in order that they may function. Now certainly we ought to encourage them by giving them some degree of preference in the case of the power it is proposed to create by money from the Treasury of the United States. I sympathize with that attitude, but the necessity at the last moment to take care of that situation by an amendment illustrates the vice of now trying to deal with a permanent policy in reversal of what we have followed for nearly 40 years. I believe for that reason the whole amendment ought to be rejected.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. SHIPSTEAD. It seems to me there is an inconsistency involved. The Federal Government is going to build some power dams and, according to the language of the amendment, when it sells the power generated at the dams the rates shall be passed upon by the Federal Power Commission, unless within the State where the energy is sold there is a State regulatory body. It seems to me it is inconsistent for the Federal Government to spend Federal money to build these dams and power stations, and turn them over to a State to regulate the sale of the power which may be generated. Take, for instance, the rural electrification systems which are spreading all over the country. They are cooperatives, and are not operated for profit. Would the

State under this provision have the right to regulate rural electrification rates, and should a State in any way regulate a Federal project and the price and manner of the sale of the power?

Mr. BARKLEY. The object, apparently, of the language inserted on that subject is, if there is a State regulatory authority that it shall take over the control of the distribution and rates which are to be charged for power generated by a project that has been instituted and paid for by the Government of the United States.

The amendment provides that whatever savings there may be shall be passed on to the consumer, but I do not know how practical that moral gesture may be. The amendment does not implement any way by which it can be done. There is no way for the Congress to compel a State regulatory body to reduce rates because of any savings that may be brought about by the construction of a Federal dam. We certainly cannot compel them to do it if they are not willing to do it. So it is null and void. It does not set up any machinery by which it can be done, even if the Federal Government has control of it. I think that is a vice in it, rather than an accomplished legislative fact.

Mr. SHIPSTEAD. The State regulatory body is, of course, a State agency.

Mr. BARKLEY. It certainly seems to me, in accordance with the Senator's idea, that if the Government of the United States is to pay for these dams and power projects across navigable streams, on which it has exclusive jurisdiction, it ought not thereafter to surrender its jurisdiction to some State regulatory body over which Congress has no control and the Federal Government has no control.

Mr. HILL. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. HILL. In other words, the adoption of the Maloney amendment to the Bailey amendment would not in any way correct the fundamental wrong in the Bailey amendment, which is the giving of a priority to private profit-making companies over public nonprofit power organizations. Even if the Bailey amendment to the Bankhead-Maloney amendment is adopted, it means that the public bodies, towns, cities, and municipalities that operate not for profit but for the benefit of the people cannot get one kilowatt of the power generated at the dams unless some power company says, "We do not want the power." Is not that true?

Mr. BARKLEY. That is correct.

Mr. HILL. So the Maloney amendment does not correct any fundamental wrong in the Bailey amendment.

Mr. BARKLEY. The Maloney amendment simply requires a private concern to contract for the use of the power prior to the completion of the dam, and, if they want it, that is what they will do.

Mr. HILL. Instead of giving them 3 years to make up their minds, it requires them to be a little more prompt, but it does not affect their preference and their power.

Mr. BARKLEY. Or their monopoly.

Mr. HILL. The Senator is correct. It does not affect their monopoly.

Mr. BARKLEY. And so long as they exercise a monopoly, then, for a thousand years, perhaps, nobody else would be able to obtain any of the power created by the dam.

Mr. HILL. In reference to the amendment offered by my colleague [Mr. BANKHEAD] with respect to rural cooperatives, the R. E. A. advises me that some of these cooperatives get their power from public power bodies of cities, towns, and municipalities, and, of course, there could be no protection by the Bankhead amendment for such organizations. The R. E. A. cooperatives could not get the power.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Carolina [Mr. BAILEY] to the committee amendment, as amended.

Mr. BAILEY. Mr. President, I will occupy just a few moments, I hope, by way of coming to an end of the discussion. I have no intention of delaying matters, although I should like a delay until the Senator from Connecticut [Mr. MALONEY] can be in the Chamber.

What has just been said in the Senate by way of objection to the amendment which I accepted in aid of the passage of the bill and in an effort to accommodate the amendment to those who were objecting to it reminds me of the situation of a far better Man than I, or any of us, could ever hope to be, and of what He said when He found Himself which-ever way He turned misinterpreted, contradicted, and opposed. He said:

They—

The men of this generation—

are like unto children sitting in the market place, and calling to one another, and saying, We have piped unto you and ye have not danced; we have mourned to you, and ye have not wept.

I think the gentlemen who differ with me now in the matter of the so-called Maloney amendment which I offered for the Senator from Connecticut are in just that position. They have piped and then complained of me for not dancing. If I am in a sober appearing state of mind and they moan and I do not weep, they complain of me for not weeping. I understand that of course; I am not taking it personally. They are merely against this proposal anyway no matter what may be done.

Now let me illustrate. The last proviso was by way of aiding the Secretary of the Interior to build transmission lines, and it is now interpreted to aid him in building them at once when the dam is finished. It is now being interpreted as an aggrandizement of power by the power companies. When it was not here they said it was, "Take it out." The fact of the matter is that it is not even by way of aggrandizing the power of anybody. My amendment declares:

Preference in the sale of such power and energy shall be given to public bodies and cooperatives.

That is the preference. That is my amendment. Some speak as if it were a

preference to the power companies. They speak of the monopoly of the power companies, and maintaining a monopoly, and perpetuating a monopoly. I suppose that is when they piped and I did not dance.

Now, with further reference to the amendment, gentlemen say all this power, or 90 percent of it, must be bought by the power companies. That is not in the bill at all and is not in the amendment. It could be bought by anybody who could buy it and would run the transmission lines for the purpose. What becomes of the argument about monopoly?

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BAILEY. I yield.

Mr. BARKLEY. Whoever purchased the power must run his transmission line to the point of production, and have it ready to take the power at the time the dam is completed, under the Senator's amendment as it is now before the Senate.

Mr. BAILEY. Yes; but anybody can do it.

Mr. BARKLEY. Theoretically anybody might.

Mr. BAILEY. No; it is not theoretically. My conception of the amendment was that it aided the Secretary of the Interior in running transmission lines, and therefore would allay some of the opposition to the amendment, though, I recognize, not all. But we are now told it makes matters worse. I do not think so at all. As originally offered the amendment provided:

Unless 90 percent of the firm power produced at such projects shall be demanded or purchased—

By "demanded" I meant called for. I used "demand" in the market sense.

"Within 3 years." That is the way it read. As now proposed to be amended it reads:

shall be purchased upon completion of construction of such projects, the Secretary of the Interior is authorized to construct transmission lines for the purpose of selling such power at wholesale.

It is an enabling proviso to the Secretary of the Interior, with a view to the disposition of the power produced at the dam.

Mr. VANDENBERG. Mr. President—

Mr. BAILEY. I shall yield to the Senator presently.

I think that as the amendment will read as amended by the amendment of the Senator from Connecticut it will practically guarantee the immediate sale of 90 percent of power produced at flood control dams and at river and harbor dams, and I know of nothing that would so advance the cause of flood control as such an amendment. I yield to the Senator from Michigan.

Mr. VANDENBERG. I think the last statement made by the Senator is one of the most persuasive that can be made. I cannot escape the conclusion that the amendment as now drawn virtually guarantees a solvent, paying operation in a Government project, and I know of no sanity which would assess that as a crime.

What I wanted to ask the Senator was this: In the sale of the 90 percent of the power we go back to line 20, on page 2 and in the sale of the 90 percent, "Preference shall be given to public bodies and cooperatives." Is not that true?

Mr. BAILEY. Yes.

Mr. VANDENBERG. How can anyone make monopoly out of that?

Mr. BAILEY. There is no monopoly. If there could be an economic justification beyond all question for the construction of what we call the multiple purpose dam—that is, for flood control plus electrical production, or river and harbor locks or dams plus electrical production—the policy which I have here provided, thanks to the Senator from Connecticut, would give us the perfect economic justification, and instead of arresting the process of flood control—and it may be arrested the way we are going—it would greatly aid it and promote it.

I submit that to the reasonable consideration of Senators who hear me. I think every Senator knows that in the 14 years I have been in the Senate I have never made a personal matter of anything, and I do not intend to do so. I have never tried to "get anything by," so far as I know, except upon its merits, and that is all I ask here, and that is all I shall ever ask. If any Senator decides that the merits are the other way, it is perfectly agreeable to me, and I respect his judgment, just as I hope he will respect mine in taking the opposite view.

Let us come down to the main point. It was stated here this morning that this was a reversal of the power policy of the Government. I may be very ignorant about that, but it is my judgment we have had no power policy, certainly no policy with respect to the distribution of power. This matter was provoked, not by me, but by the Secretary of the Interior coming to the Committee on Commerce and to the subcommittee with what he conceived to be a policy, but when I read it, I said, "No, this policy is destructive of the existing power companies in this country, and I do not think the Senate of the United States wishes to be destructive." Say everything you please against this one and that one, one of the cornerstones of our economic structure is the investment of money in private enterprise, and, of course, power should be available to private enterprise.

Behind us is a period now of 50 years of electrical development, and we suddenly come to a policy proposed by the Secretary of the Interior in which the Government can use the dams we are to build in the name of flood control, and later on in the name of river and harbor development, for the purpose of going into any State and any community and taking off the cream of the business, and leaving the power company, with all its investment and all its services, high and dry.

Mr. President, the companies may have been very bad, but they have not been that bad. There is no use, as we often say, of burning down the house to get rid of the rats. There may have been rats, but are we prepared here now,

in a sort of revulsion against big things, to go to this length? Of course the power business must be a big thing. If the Senate will hear me a moment about that; it is not possible to sell power cheaply except by volume. There must be large volume in order to get a low rate. I heard the Senator from Montana speaking of reductions in his State, or some other Senator making some remarks along that line. The reductions in North Carolina have come year after year, and most of them voluntarily, because the business has been growing, the output has been demanded. So we meet the recording of the fact that they are big, but after all they are not so big as Mr. Ickes would be if we turned the whole power business of this country over to him.

We must make our choice here. We can go on with a policy placed in his hands as administrator, and I have every reason to believe he will be administrator for 49 months more, probably 50, and if his name comes before us, I shall vote to confirm him. I have nothing on earth against him as administrator of the Department of the Interior, and no disposition to fight his nomination. But if we proceed with this policy, if we do not now restrain it, while we are about to build a billion dollars' worth of flood-control dams, when it is proposed that we shall spread over the country seven T. V. A.'s, unless we now put proper restraints in our policy, we simply ordain the regime of Government power, unregulated by the State, paying no taxes to the State, and in the hands of whatever administration may happen to be elected.

That, Mr. President, is what I see in this situation. I must make a choice, and I choose to see to it that those who invested their money in power companies are respected as investors. I choose to say that corporations which have gone forth and developed this market and supplied this power shall not be struck down merely because the United States as a government has the power to do it.

The PRESIDING OFFICER. The time of the Senator from North Carolina on the amendment has expired.

Mr. BAILEY. Mr. President, I had about finished, but I believe I could extend my time by speaking on the Bankhead amendment to the committee amendment.

The PRESIDING OFFICER. The Bankhead amendment has been agreed to.

Mr. BAILEY. And I have no right to speak on the bill?

The PRESIDING OFFICER. The agreement, as the Chair understands it, pertains to the pending amendment, so it will not be in order for the Senator to speak on the bill.

Mr. McCLELLAN. Mr. President—

Mr. BAILEY. I yield to the Senator from Arkansas. I can do that, can I not?

The PRESIDING OFFICER. The time of the Senator from North Carolina has expired. He cannot yield to anyone.

Mr. McCLELLAN. I ask for time in my own right, Mr. President. I wish to ask the Senator from North Carolina a question or two. I do not believe I have used any time on this amendment.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BAILEY. If the Senator takes the floor he may ask me a question, or if he prefers I will ask him a question. I will answer any question the Senator may wish to ask me. I think that is the better way to do it.

Mr. McCLELLAN. I should be glad to offer the Senator a further opportunity to discuss any feature of the amendment he cares to, but first I did want to ask the Senator a question.

Mr. BAILEY. Let me say, Mr. President, that I would not think of taking any advantage by way of extension of time. When it was announced that my time had expired I had said about all I wished to say, but if the Senator from Arkansas wishes to ask me a question, I shall be glad to answer. I do not think I should undertake to obtain extension of time which is limited under the order, either directly or indirectly. I have concluded my remarks. I have had my 15 minutes. I like the 15-minute rule.

Mr. McCLELLAN. Mr. President, in all seriousness I wanted to ask the Senator a question regarding the pending amendment. First, I wish to say that I think the Maloney amendment—that is, the amendment which the Senator from North Carolina has offered on behalf of the Senator from Connecticut, and which I believe has been adopted, does correct one of the evils of the original amendment. I think it improves the original amendment considerably.

Mr. BAILEY. Let me ask the Senator a question. Does he not think that the Bankhead amendment, which I accepted, very greatly improves it?

Mr. McCLELLAN. Yes; I think it does. I wanted to make reference to it also. I now wish to ask the Senator from North Carolina a question. It strikes me that with the modification of the amendment there is now possibly an ambiguity in the whole amendment. I refer to the language on line 22 of page 2 of the Senator's original amendment where it provides—

The sale of such electric power as may be generated at reservoir projects shall be made at the point of production.

That seems to be mandatory and emphatic. The amendment originally proposed by the Senator from Connecticut [Mr. MALONEY] provides for the construction of transmission lines after a certain period of time, and I assume that it is intended that the power transmitted over those lines shall be sold not at the project but at the place where the territory is to be served.

Mr. BAILEY. Let me clear the Senator's mind. That is not an ambiguity nor is it a contradiction. A proviso always modifies the force and effect of the main statute or the main language. One proviso may modify the force and effect of another. It simply says that this shall be done provided, however, it shall not be done this way or that way or the other way. It is a limitation.

Mr. McCLELLAN. The language is probably adequate.

Mr. BAILEY. I will say, Mr. President, that I do not know whether the matter will ever go to conference. I

believe I will be allowed to make a mere personal statement. Whatever amendment I take to conference, if I am a member of the committee, I shall take in absolute good faith. I shall respect the instructions of the Senate. And I will say that any little ambiguity which may appear or any doubt which may seem to exist can be corrected in conference.

Mr. ELLENDER. Mr. President, will the Senator from Arkansas yield to me so that I may ask a question of the Senator from North Carolina?

Mr. McCLELLAN. I yield to the Senator for that purpose.

Mr. ELLENDER. Last Wednesday I brought to the attention of the Senate that some of the language in the committee amendment, which taken with the so-called Bailey amendment, is somewhat contradictory in terms.

Mr. BAILEY. Does the Senator mean the language of the original amendment compared with the language as it is now?

Mr. ELLENDER. Yes. The committee amendment that we are now considering, when taken with the Senator's proposed amendment.

Mr. BAILEY. The later amendment was not intended to go along with the original, otherwise I would not have offered it.

Mr. ELLENDER. I understood the Senator.

Mr. BAILEY. I ran along with the original amendment as far as I could. When I could not run any further along with it I wrote some language of my own.

Mr. ELLENDER. I understand that, but if the remainder of the committee amendment is read in connection with the amendment that the distinguished Senator proposes, there is a contradiction in some respects. If the Bailey amendment is adopted that part of section 5, on line 23, of page 4, reading: "Preference in the sale of such power and energy shall be given to public bodies and cooperatives" will be retained, and following that language will be—

Mr. BAILEY. That will be in my amendment, also.

Mr. ELLENDER. No.

Mr. BAILEY. Oh, yes. Here is the amendment—

Mr. ELLENDER. No. The language I have just quoted is not offered by the Bailey amendment. It remains in the bill and will be followed by this language from the Bailey amendment:

The sale of such electric power as may be generated at reservoir projects shall be made at the point of production, without special privilege or discrimination.

The words "The sale of such electric power shall be made without special privilege or discrimination" certainly nullifies the language "preference in the sale of such power and energy shall be given to public bodies and cooperatives."

Mr. BAILEY. The Senator is reading something else. Read the language just read by the Senator and it will be seen that it appears in my amendment. The Senator said it was not in my amendment. The language in my amendment is:

Preference in the sale of such power and energy shall be given to public bodies and cooperatives.

That is in the Bailey amendment.

Mr. ELLENDER. I beg the Senator's pardon, but that language remains in the section and is not affected by the Bailey amendment.

Mr. BAILEY. The Senator said it was not.

Mr. ELLENDER. That is my contention. The language appearing on page 2, line 24, of the Bailey amendment nullifies that, in my opinion, because that language reads that it shall be sold "without special privilege or discrimination." That means, as I understand that language, that it is to be sold to private concerns without first offering it to cooperatives and public bodies. The language has the effect of nullifying the provision in the committee amendment reading:

Preference in the sale of such power and energy shall be given to public bodies and cooperatives.

Mr. BAILEY. No. One is a preference which must be given according to the law as written. When it comes to the sale, the sale must be made without special privilege or discrimination between those who come to buy. There will be no difficulty on earth, even in a magistrate's court, in reconciling that language.

Mr. ELLENDER. I will not argue the point further, but it is my contention that a conflict exists. Let me ask the Senator another question: The Bankhead amendment, as I understand it, provides that the Secretary of the Interior shall have the right to build power lines so as to supply rural electric associations.

Mr. BAILEY. That is correct.

Mr. ELLENDER. I notice that the same privilege is not accorded to public bodies. Was that phase of the matter discussed with the Senator?

Mr. BAILEY. It was not discussed.

Mr. ELLENDER. I wonder if the Senator from North Carolina would object—

Mr. BAILEY. Yes. I think that I have gone far enough, and I do not think the Senator would vote for it even then. The whole idea is as contained in the quotation I previously gave:

We have piped unto you, and ye have not danced; we have mourned to you, and ye have not wept.

I am not disposed to undertake to pipe or to dance or to mourn or to weep. I am going all the way down the road.

Mr. ELLENDER. The Senator may be in error as to what my position would be if public bodies were included. As I understand, the Senator would object to adding to the Bankhead amendment "public bodies" so that the amendment would then read:

Provided further, That nothing herein shall prohibit the building of such transmission lines by the Federal Government or the Secretary of the Interior with Federal funds to supply public bodies and also rural electric associations organized for the purpose of supplying electric energy to rural districts.

Mr. BAILEY. The Senator is correct in his understanding.

Mr. ELLENDER. I thank the Senator. Mr. HILL. Mr. President—

The PRESIDING OFFICER (Mr. DOWNEY in the chair). Does the Senator from Arkansas yield to the Senator from Alabama?

Mr. McCLELLAN. I yield to the Senator from Alabama.

Mr. HILL. The Senator from Arkansas agrees, does he not, that under the Bailey amendment, modified by the Maloney amendment, if any private power company wishes to buy 90 percent or more of the firm power that the Secretary of the Interior could not build a transmission line?

Mr. McCLELLAN. I think that is correct, unless the Bankhead amendment would take care of that situation.

Mr. HILL. Even if we admit for the sake of discussion that the Bankhead amendment would take care of it, the Bankhead amendment would take care of it only so far as rural cooperatives are concerned. It would not take care of the situation so far as a town, city, or municipality was concerned, which might also be supplying a rural cooperative.

Mr. McCLELLAN. Let me say to the Senator from Alabama that I think the Bankhead amendment and the Maloney amendment greatly improve the pending amendment, and eliminate some of the objectionable provisions in it. I believe that public bodies ought to be added. If that is done, I shall support the Bailey amendment.

Mr. HILL. If we add public bodies, of course, there is no Bailey amendment.

Mr. McCLELLAN. I do not know that that is quite a correct statement.

Mr. HILL. Is not that true? Is not that what the Bailey amendment is all about? If we add public bodies, so as to take in everything, then there is no Bailey amendment.

Mr. McCLELLAN. I do not understand that the Bailey amendment precludes cooperatives or public bodies from participating in the purchase of 90 percent of the power. They have an equal right to purchase it. In fact, they are given preference.

Mr. HILL. The Secretary of the Interior would be prevented from building a transmission line if some private power company should purchase 90 percent or more of the power.

Mr. McCLELLAN. If the private power company should purchase 90 percent of the power, I believe that under the Bankhead amendment a line could still be built to a rural cooperative. I do not believe that would be precluded.

Mr. HILL. The Senator realizes, as a practical matter, when he speaks about building a line out to a rural cooperative, that when it is undertaken to build transmission lines, costly as they are, there must be more than one little rural cooperative to serve. Very likely the line would have to be tied in to cities, towns, and rural cooperatives which may be getting power from some town or municipality.

Mr. McCLELLAN. I think that is true.

Mr. HILL. I agree with the Senator that perhaps a line should be built to a rural cooperative. As a practical matter, I believe that the amendment, as now submitted, does pretty much what the Senator from North Carolina, who is always frank and honest with the Senate, stated in the beginning that it would do. It would mean that private power companies would get all the power.

Mr. McCLELLAN. I am of the opinion at the moment that if public bodies were added to the Bankhead amendment the Bailey amendment would then provide a safe and sound policy. I stated last Wednesday that I would not support the Bailey amendment in its present form. But if public bodies were added, then I can see no objection to the Bailey amendment.

Mr. BURTON. Mr. President, may I direct a question to the Senator from Alabama?

Mr. HILL. The Senator from Arkansas has the floor.

The PRESIDING OFFICER (Mr. Downey in the chair). The time of the Senator from Arkansas has almost expired. He still has about 2 minutes.

Mr. McCLELLAN. I yield the floor.

Mr. EURTON. Mr. President, the Senator from Alabama referred to a situation in which private interests or others were taking 90 percent of the power, and was wondering whether or not rural agencies would be able to get power. Does the Senator suppose for a moment that a private agency would not be glad to sell power to all customers, including rural agencies? Under the terms of the bill, would it not get the power at a reduced rate, and is there not an express provision that all savings which arise out of the operation must be passed on?

Mr. HILL. The Senator's question goes to the very fundamentals of public power. To answer the Senator's question logically, we would abolish all public power projects and go back to the old days before we had public power projects. The main reason why public power projects came into being was that regulation had failed in large measure. That is why the people demanded public power projects, in order that there might be provided yardsticks as a means of controlling the rates of private power companies, as well as to provide cheap power for the power consumers of the country.

Mr. BURTON. It seems to me that the Senator from Alabama has missed the reason why we had public power. It was not because private regulation had fallen down. It was because private power was not supplied at all in certain places. Under the Bailey amendment power would be made available to private agencies, and therefore the situation feared by the Senator from Alabama would not be brought about. The Senator fears that there would be a lack of power, and that public agencies would have to buy their power from private power companies. If private industries, including power industries, are in a position to supply power, they should be given an opportunity to do so, particularly if they are already in that line of business.

Mr. MALONEY. Mr. President, I should like to discuss the amendment

briefly. I regret that my train was late, and that it was necessary for the Senator from North Carolina [Mr. BAILEY] to offer the amendment.

Mr. BAILEY. Mr. President, I ask that the name of the Senator from Connecticut be substituted for mine as the author of the amendment.

Mr. MALONEY. I thank the Senator; but I have no pride of authorship. I was trying to improve and perfect the Senator's amendment.

Mr. President, I shall be very brief. First, I should like to point out, in connection with the statement made once or twice by the able Senator from Alabama [Mr. HILL], that it is provided in the so-called Bailey amendment that whatever savings are made as a result of the production and sale of power under Government auspices must of necessity be passed on to consumers. So I do not give great weight to that particular argument. The amendment now under consideration makes provision, as the Senate knows, that unless the private power companies or others purchase 90 percent of the so-called firm power made available, and purchase it immediately, the Federal Government is authorized to go ahead with the construction of transmission lines. It is a very simple amendment. I do not believe that any Senator will object to the amendment. For that reason I shall not consume any more time of the Senate.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. MALONEY. I yield.

Mr. PEPPER. Does the able Senator believe that the adoption of his amendment would make possible the building of lines to reach public bodies and cooperatives by any other than private companies?

Mr. MALONEY. I am inclined toward the view of the Senator from North Carolina [Mr. BAILEY] that that would be permissible under his amendment, with or without my amendment. As I understand, my amendment would not change the situation in that respect.

Mr. PEPPER. Then the amendment of the Senator from Connecticut would not confer any power which the Bailey amendment does not now contain to build transmission lines to carry power to public bodies and cooperatives?

Mr. MALONEY. I do not think it would make any difference. If it would have any effect, it would very likely be a favorable effect from the standpoint of the view of the Senator from Florida.

Mr. PEPPER. I think it is pertinent to observe that power from a dam cannot be delivered to a public body or cooperative unless a transmission line is built.

Mr. MALONEY. That is true.

Mr. PEPPER. Either the cooperatives or public bodies must get together and form an organization to build a transmission line or they must rely on the power companies.

Mr. MALONEY. What does the Senator mean by relying on the power companies?

Mr. PEPPER. To build the extension.

Mr. MALONEY. Is it a sin to buy or to refuse to buy power from private companies?

Mr. PEPPER. I did not say it was. I am simply saying that unless provision is made in some way or other for the power to be transmitted to public bodies and cooperatives it will not get there, except through the instrumentality of the private company. That is the reason why it is necessary to give the Secretary of the Interior authority to build transmission lines, unless we prefer, as the able Senator from North Carolina distinctly and fairly says he does, that distribution be by private companies.

Mr. MALONEY. I certainly favor that procedure. I favor distribution by private companies. I am among those who believe that private companies can produce power as cheaply as can the Federal Government. I cannot think of any reason under the sun which would permit the Federal Government to produce power more reasonably than can private industry. I favor the production of power by private companies, under rigid regulation and under the provisions of the Bailey amendment, which insists that any savings be passed on to the consumers.

As a matter of fact, in the committee I offered the language which provided that they "shall" pass them on. I think the original words were "may pass them on."

Mr. PEPPER. But, Mr. President, the Senator will admit, will he not, that watered stock, the birth of unnecessary holding companies, and excessive profits would prevent a power company from getting the power to the consumers at as cheap a rate as the rate at which the Government could get it there; would it not?

Mr. MALONEY. As I said before, in the bill provision is made for regulation.

Mr. BAILEY. Mr. President, let me inquire whether the Senator will permit an interruption.

Mr. MALONEY. Certainly.

Mr. BAILEY. In existing law we have abundant provision not only to prevent the issuance of watered stock but also to get it out of companies which have it. I understood that was a matter which had already been accomplished. I see no trouble about that. We have already passed a law on that subject, and the law is in operation.

Mr. MALONEY. When I said a moment ago that I would not speak at greater length because I doubted that any Senator was opposed to my amendment, I had in mind that even those who favor nationalization of power in this country would find my amendment to their liking. I would expect that Senators opposed to the Bailey amendment would accept this amendment, because it seems to me to go somewhat in the direction toward which they point.

Mr. MURRAY rose.

Mr. MALONEY. I yield.

Mr. MURRAY. I should like to inquire of the Senator if he does not appreciate the fact that a great many of the corporations which have a monopoly on power in various sections of the country are not going to be deprived of their control as a result of the public-utility holding-company law. For instance, in

the State of Montana we have the Montana Power Co., which was established there some years ago, and which as a result of the heavy watering of its stock is compelled to maintain high rates to earn and pay dividends on its capital structure. The holding company law does not affect that situation at all. That corporation can only be compelled to lower its rates by having the water drained out of its capital stock. An effort along that line is now being made, but it is a most difficult thing to accomplish.

So it seems to me that the only way to handle this situation is by the power developments, under the legislation we are proposing to enact, to set up yardsticks throughout the country, and in that way such companies will be compelled to have the water removed from their stocks.

Mr. BAILEY. Certainly the Senator will not say that what we have or what we propose is a yardstick, when the Federal power set-ups get their money free and pay no taxes. Of course they have lower rates.

Mr. MURRAY. Oh, no, Mr. President. The Tennessee Valley Authority is going to pay pretty well.

Mr. BAILEY. The Senator says it is going to. But is it doing it? It gets its money from the Government. It pays the Government back. That is called a yardstick.

I was merely pointing out what I think everyone knows with reference to whether such operations can be regarded as a yardstick. That operation may have been well meant at the time, but now it is a matter of laughter.

Mr. MALONEY. Mr. President, I should like to ask the Senator from Montana whether there is a regulatory body in his State.

Mr. MURRAY. Yes; there is. But it seems powerless to control the power interests.

Mr. MALONEY. Does the Senator say it is under the control of the power interests in his State?

Mr. MURRAY. Well, the power interests dominate the situation and seem to prevent any relief to the public.

Mr. MALONEY. I find that very difficult to believe.

Mr. MURRAY. The situation is a very peculiar one, but I will explain it.

Mr. BAILEY. Let me ask the Senator whether the members of the power commission in his State are elected by the people?

Mr. MURRAY. Yes; they are.

Mr. BAILEY. Did not the people of Montana elect the Senator?

Mr. MURRAY. Yes.

Mr. BAILEY. By the same power they might elect a good power commission.

Mr. MURRAY. It sometimes happens that persons they do not want are elected.

Mr. BAILEY. I am sure that was not so in the case of the Senator.

Mr. MURRAY. Of course, I was elected in spite of the opposition of the power interests.

But let me say that virtually every newspaper in the State is owned by the Montana Power Co. and the Anaconda

Copper Co., and in that way they are able to deceive the public. We have very few independent papers to make the fight in the public interest.

Mr. MALONEY. Mr. President, I would not trade the two liberal Senators from Montana for all the reactionary press men that may operate in his State.

The PRESIDING OFFICER. The Senator from Connecticut has the floor. Does he desire to continue to yield?

Mr. MALONEY. Yes, Mr. President; I yield.

Mr. MURRAY. Mr. President, the point I was endeavoring to make was that the corporations have their stock watered. In the State of Montana the corporations I was describing are compelled, because of their capital structure, to maintain high rates. In that way they prevent industrial development in the section of the country in which they operate. For instance, in the State of Montana the population has for a long period been declining. The censuses taken every 10 years for the past 40 years show a decline in population. The reason for the decline is that we have no opportunity to develop natural resources and to bring industry into the State. The State is conducted solely on the basis of a raw-material economy, and we find the population constantly dwindling, as shown by the census taken every 10 years. Unless there can be some development of cheap power, there will be no improvement in the situation. That fact is generally recognized, and it is well known that the idea of improving the situation is not a socialistic one. Some of the businessmen of the State are recognizing it. The president of the Great Northern Railroad, in discussing it in a public interview in the State of Montana, pointed out that we need cheap power in our State in order to develop industry there, and that that was the way to do it.

Mr. MALONEY. Mr. President, I am an advocate of cheap power. I want cheap power; but I do not want to rob and destroy private companies in order to get it.

If the Congress is willing to arrange for proper, fair, and reasonable prices to the private companies for their properties, I should be willing to join in such a proposal. But if the Senator from Montana means that he would have so-called cheap power at the expense of those who are carrying the watered stock in his State, I cannot go along with him.

Unless the Senator has a further question, I yield the floor.

Mr. MURRAY. Mr. President, I am sure the Senator from Connecticut does not approve of the policy of watering stock up to double the amount of the capital invested, and then claiming the right to earn returns on that basis.

Mr. MALONEY. Of course, I do not. The Senator understands that, I am sure. I helped to write the Truth in Securities Act, back in 1933, and supported it vigorously.

Mr. MURRAY. Mr. President, that is all I wish to see done. I do not wish to prevent any corporation from receiving proper returns on its investment; but I

do not believe such corporations have a right to water their stock, as in the case of the Montana power interests, which are the subject of an article which appeared in Harper's Magazine a short time ago. The article was written by Joseph Kinsey Howard. In the article he discusses the whole problem.

Mr. MALONEY. Mr. President, I condemn the abuse of watering stock by private companies. I think the means of correction in the situation which he describes are reposed in the Senator's State. But it seems to me that he is willing to have the Federal Government operate under a watered stock plan in competition with the private companies.

Mr. MURRAY. Mr. President, in order to remedy the situation in the State of Montana we would have, first, to remedy the situation now existing among the newspapers in the State. We would have to get rid of 90 percent of the newspapers, which are owned, operated, and conducted entirely for the purpose of maintaining the situation about which I have spoken. Of course, frequently persons are elected as members of the State power commission who are backed up and supported by those newspapers, and we find that very little is done to remedy the situation. In order to remedy the situation it is necessary to go away back.

Mr. MALONEY. I should like to say that the Senator from Montana seems to have quite a problem on his hands.

Mr. MURRAY. Yes; it is a big problem.

Mr. MALONEY. It may be necessary for him to get at it in this roundabout way, but I must part company with him on this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut to the committee amendment as amended, the so-called Bailey amendment.

Mr. BAILEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Alken	Gillette	O'Mahoney
Austin	Green	Overton
Bailey	Guffey	Pepper
Ball	Gurney	Radcliffe
Bankhead	Hatch	Revercomb
Barkley	Hayden	Reynolds
Bilbo	Hill	Robertson
Brooks	Jenner	Russell
Burton	Johnson, Calif.	Shipstead
Bushfield	Johnson, Colo.	Taft
Butler	Kilgore	Thomas, Idaho
Byrd	La Follette	Thomas, Okla.
Capper	Langer	Tunnell
Caraway	Lucas	Tydings
Chandler	McClellan	Vandenberg
Clark, Mo.	McFarland	Walsh, Mass.
Connally	McKellar	Weeks
Cordon	Maloney	Wheeler
Davis	Maybank	Wherry
Downey	Mead	White
Ellender	Millikin	Wiley
Ferguson	Murray	Willis
George	Nye	
Gerry	O'Daniel	

The PRESIDING OFFICER. Seventy Senators having answered to their names, a quorum is present.

The question is on the so-called Maloney amendment to the committee

amendment as amended. The clerk will call the roll.

Mr. OVERTON. Mr. President, a parliamentary inquiry. Have the yeas and nays been ordered?

The PRESIDING OFFICER. Apparently the Chair is in error. The yeas and nays have not been ordered. The question is on the so-called Maloney amendment to the committee amendment as amended.

Mr. LANGER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is the demand for the yeas and nays seconded?

Mr. AIKEN. Mr. President, is the vote about to be taken on the Maloney amendment to the committee amendment?

The PRESIDING OFFICER. On the Maloney amendment to the committee amendment as amended. On that question the Senator from North Dakota has demanded the yeas and nays. Is the demand seconded?

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on agreeing to the so-called Maloney amendment to the committee amendment as amended.

Mr. SHIPSTEAD. Mr. President, a parliamentary inquiry. It still is not clear whether we are voting on the Maloney amendment or the Maloney amendment and the Bailey amendment.

The PRESIDING OFFICER. The question is on the so-called Maloney amendment to the committee amendment as amended.

Mr. SHIPSTEAD. The vote is on that question only?

The PRESIDING OFFICER. The Senator is correct.

Mr. SHIPSTEAD. That is to add the Maloney amendment to the Bailey amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. AIKEN. Will the Chair have stated the Maloney amendment so that the question may be clearly understood?

The PRESIDING OFFICER. The clerk will state the amendment offered by the Senator from Connecticut to the amendment of the committee as amended.

The CHIEF CLERK. On page 3, line 8, of the printed committee amendment as modified inserting section 5, it is proposed to strike out the words "demanded or purchased within 3 years after" and insert "purchased upon", so that as amended the proviso would read:

Provided, That unless 90 percent of the firm power produced at such projects shall be purchased upon completion of the construction of such projects, the Secretary of the Interior is authorized to construct transmission lines for the purpose of selling such power at wholesale.

The PRESIDING OFFICER. The question is on agreeing to the so-called Maloney amendment to the amendment of the committee as amended.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the committee amendment as amended. Upon that

question the yeas and nays have been ordered.

Mr. LA FOLLETTE. Mr. President, I should like to state briefly the reasons which compel me to vote against the so-called Bailey amendment as modified. It seems to me that the inevitable effect of the amendment would be to give tremendous advantage to the private power companies in bidding for the power to be generated as a result of the expenditure of public money for flood-control dams. Those who were in the Senate during the time the Muscle Shoals project was in operation, before the establishment of the T. V. A., will remember the exceedingly great advantage which the private power companies enjoyed. Because they had their transmission lines at the dam site, they were enabled to purchase great quantities of power at ridiculously low rates because they were the sole bidders for the power.

It seems to me fallacious to contend that the effect of this amendment would be to enhance the economic feasibility and soundness of these flood-control dams, because, if the Secretary of the Interior is denied the power, which he now has the right to exercise, to build transmission lines, in many instances, if not in nearly all instances, the private power company will either have built transmission lines to the site of the dams during the course of construction or they will have built them when construction has been completed and they will thus be in a position to bargain for the power generated at the dams at a tremendous advantage to themselves.

The provision in the amendment to the effect that the sales shall provide that all savings realized by the purchaser shall be passed on under Federal regulation applies only in States where there is no State regulation, and, therefore, in nearly every State with which I am at all familiar the stipulation that the savings in power costs shall be passed on to the ultimate consumer will be ineffective.

Therefore it comes down to a naked proposition as to whether we want to repeat the mistakes which we have made in the past and to permit private power companies in most instances to buy the power at their own price. I do not believe, Mr. President, that it is sound public policy, when we are spending public money for the purpose of flood control and incidentally for the development of power, to permit private interests to have an undue advantage over public bodies in the purchase of the power. That, as I see it, is the naked proposition that is before the Senate in this amendment.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment as amended. On that question the yeas and nays have been ordered, and the clerk will call the roll.

Mr. THOMAS of Oklahoma. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. THOMAS of Oklahoma. Is the vote about to occur on the so-called Bailey amendment as amended?

The PRESIDING OFFICER. The Senator is correct. It was amended by the adoption of the so-called Maloney amendment and the Bankhead amendment.

Mr. THOMAS of Oklahoma. Mr. President, before the vote is had I desire to submit the reasons why I am supporting the amendment.

The amendment attempts to set forth, in outline at least, a broad policy for the disposition of electrical energy developed by Government-constructed and Government-managed and operated hydroelectric plants. The bill itself proposes to approve and extend the heretofore adopted policy and program for the construction of multiple purpose dams and reservoirs. As I understand them, the purposes of such dams and reservoirs are as follows:

First, for flood control; second, for power development; third, for irrigation; fourth, for navigation; and, fifth, for recreation.

Under the present organization of the Senate I am a member of the Committee on Appropriations and as a member of such committee I have been assigned as chairman of the Subcommittee on War Department Appropriations. This subcommittee handles two bills annually, one the bill making appropriations for the Regular Military Establishment and the other the bill providing for funds for the nonmilitary activities of the War Department, which bill is known as the civil-functions bill.

The civil-functions bill carries money for the nonmilitary activities of the War Department, such as the construction of flood-control dams, flood-control levees, ditches, the Panama Canal, and things of that character. It is this bill which provides funds for the construction of many if not most of our hydroelectric developments. It is my position on this committee that causes me to have an unusual interest in the pending amendment.

Mr. President, I favor the construction of flood-control dams, and where power may be developed as an incident to flood control, then I favor the development of such power. The pending amendment brings out into the open a fight which has been going on for years, a fight for the development of public power as against the development of power by private companies. It has been my experience that many projects for the development of public power have been opposed by private power interests. The public power project at Muscle Shoals was started during World War No. 1, I am advised, and was abandoned with the end of that war. It took a great depression to bring about conditions under which it could be completed and made available and ready for the manufacture of power.

Every proposed dam having power possibilities is objected to by private power interests, and from their standpoint and their interest I can understand why they have their objections. If the Federal Government adopts a policy of constructing public power projects, and then goes further and

adopts a second policy of distributing the power so developed to consumers at rates having no relation either to the cost of the development of such power or the cost of distribution, then many private power concerns will be forced out of business. If this should happen, then two definite results would follow, in my opinion. First, the local government, the State government, and the Federal Government would lose taxes now being collected. It is my opinion that at this time we cannot afford to lose any of our sources of taxation for the support of our several State and local governments, and the National Government itself. A second possible effect would be to destroy the value of a vast amount of securities now held by the people of our country.

I am interested in having developed a plan or program under which we may increase the development of hydroelectric power.

If the Government may develop the power and then let private companies distribute such power, then no taxes will be lost and outstanding securities will not be injured or destroyed.

The pending amendment proposes a plan for such an arrangement.

In brief, this states my reason for my support of the amendment. I find myself already committed to the amendment in advance. On the first day of last July I participated in the dedication of the Denison Dam. At that time I made a speech in connection with the exercises, and I committed myself to the principles set forth in the Bailey amendment. In order that my views may be set forth more clearly, I ask permission to make the speech I delivered at the dedication of the Denison Dam a part of my present remarks.

The PRESIDING OFFICER. Is there objection?

There being no objection, the address was ordered to be printed in the RECORD, as follows:

We are assembled here in the Red River Valley, between Denison, Tex., and Durant, Okla., on one of the great engineering works of America, to dedicate this dam and this vast inland sea to the public use and service of the present and future generations of our great country.

I doubt if any of us here today can foresee fully and clearly the value of this great engineering achievement.

To look at this work it appears to be a gigantic earthen dam, embracing a powerhouse filled with complicated machinery.

In front of this mountainous dam we see a vast expanse of water so long that we cannot see the other end and so wide that the hills on the other side fade away in the distance.

This project is so large that it could not have been undertaken by an individual, or a corporation, or a county, or a group of counties, or by even a State or, for obvious reasons, our two States acting together.

It has required the cooperation of our people, our cities, our counties, and our two States, all working through our Federal Government, to transform a dream into a reality and to bring forth this development for dedication here today.

Years ago, and on more than one occasion, I joined the present Speaker of the House of Representatives, then Congressman RAYBURN of Texas, in an effort to interest the agents of

the Government in the possibilities of this project.

It certainly did not occur to me then that many years later I should be privileged to assist a Speaker of the House of Representatives in dedicating this structure to the use and service of the people.

I do not know who first suggested this project; however, I am in a position to know and I am glad to testify that this great flood-control work, this important power development, and this great recreational area, is due to the foresight, the persistent and well-directed energy and the ability and power of the Speaker of the House of Representatives, the gentleman from Texas, SAM RAYBURN.

The Congress and the Administration, making up the Government, are responsible for this project.

After the brain child was born the Congress authorized the United States Engineers to make a survey of this site and its possibilities for flood control, power development, and recreation.

The survey was made and the project was recommended for construction.

The Congress approved the report and authorized the construction of this dam, reservoir, and power equipment.

The Chief of Engineers, General Reybold, and his corps of able assistants stand at the top of all our agencies and departments of the Government.

When the Chief of Engineers makes a recommendation it is accepted by the Congress as the last word in engineering ability and skill.

With a favorable report the Congress proceeded to act.

Money was appropriated to build this work—and now in record time—here it is ready to begin to work for the people of this section of Oklahoma and Texas.

Why was this dam and reservoir proposed, approved, and constructed?

The answer—to assist in controlling the damaging and disastrous floods in the Mississippi Valley.

The Government has spent and is spending multiplied millions in an effort to control the floods on the Mississippi.

Until recently the approved plan of flood control was through the construction of levees and dikes to confine the water in its channel.

The record shows that something more than levees is necessary to protect the rich bottom land on the tributaries of the Mississippi.

Today the levee plan is being supplemented by great dams and reservoirs constructed to catch the water and hold it back for beneficial uses—in some cases for irrigation, in others for the creation of power and still others for aid in navigation.

Always a byproduct of such reservoirs is recreation.

Already this dam has prevented flood damage down the Red River.

Already this flood control works has paid dividends to a vast number of people residing between here and the Gulf of Mexico.

Today the gates will be opened, the turbines will begin to turn and the generators will begin to convert water power into electrical energy to serve the war effort now and later when the war is won to transform this section of Oklahoma and Texas into an industrial area.

Why do I make this prophecy?

The answer—cheap power attracts factories and industry.

Let me call your attention to the following facts:

The development of water power in the Tennessee Valley has converted that section into a beehive of industry.

The construction of the Bonneville and Grand Coulee Dams on the Columbia River in Oregon has induced capital to flow to that area until now the Columbia River

is dotted with factories and the available power is insufficient to supply the demand.

I have another reason for my prophecy.

Here in Oklahoma we already have the Grand River Dam flood-control and power project.

At this time the power created by this plant is serving the war effort.

Oklahoma electrical energy is creating aluminum to make planes which have already defeated Mussolini and planes which now are playing an important part in crushing what is left of the empires of Hitler and Tojo.

Even the prospect of cheap power is attracting industry to Oklahoma.

At Miami, in northeastern Oklahoma, we have a large Goodrich rubber plant almost completed.

In a few months the war effort will be moving forward on tires "made in Oklahoma."

When the war is over Americans will ride in cars propelled by Oklahoma gas and on rubber tires made from Oklahoma oil and branded, "Made in Oklahoma."

This development is made possible by the cheap power produced by the Grand River hydroelectric plant.

I made this statement once before and was challenged for its accuracy.

I now give my authority.

On May 18 Mr. T. G. Graham, vice president of the B. F. Goodrich Co., of Akron, Ohio, made a speech, in which he said:

"Water and power are two of the fundamental requirements for rubber manufacturing. When these factors were weighed, the lack of adequate water supply eliminated all but 26 locations, and power checked off all but 3 of these remaining, 1 of which was Miami."

Here in southern Oklahoma and northern Texas we have the water and the power, and nothing now can keep this section from industrial development save the limits on the amount of power that can be produced.

This statement leads up to another question, How will this power be distributed?

Public power, as a rule, is produced as a byproduct of flood-control developments.

The Government should not, in my judgment, enter the field of power development in such a manner as to destroy the value of existing power facilities which have served and are serving the wants and needs of the people.

It seems to me that a cooperative plan of power development and distribution may be worked out whereby the people in the cities and on the farms may receive the benefits of power at reasonable rates.

Such a plan should embrace a program wherein the Government may create the electrical energy and the existing distributing systems may take the current at the point of manufacture, and thereby both the Government and the existing systems may profit by such cooperative plan of operation.

Former Senator James P. Pope, now a director of the Tennessee Valley Authority, has just made the following statement:

"There is no doubt but that this cooperative effort, which makes for efficiency, economy, and better service, is here to stay and will play an increasingly important part in the future development of the public and private power industry."

Unless this policy is adopted, the Government will be forced to build stand-by steam plants and, in addition, will have to build transmission and distributing lines in order to deliver the electricity to the consumers.

The Government is interested in making a success of its flood-control and power developments.

The public is interested in securing electricity at a reasonable price.

These two interests can be harmonized and adjusted to the benefit of both the Government and the consumers.

This is one of the problems that must be solved, and when it is solved it must take into consideration the injury done by removing property from taxation, and then it must give credit to the values which may be created as the direct result of the making available of an abundance of cheap power.

In conclusion, we now see this great dam and reservoir in the rough. Very soon we shall see it in action.

Later we shall see the results of this development.

This great reservoir will be landscaped and parked for the benefit of the public. Recreational areas will dot the lakesides.

Industries will locate in the adjacent towns and cities.

This section will be a mecca for the millions of vacationists residing within easy driving distance.

The Government should locate and maintain here a major naval training station.

Should the people want and demand it, the Red River may be made navigable from this dam to the Mississippi, thence on to the Gulf and to the sea.

This would give us cheaper freight rates and would insure industries to the limit of available power.

If the public and private power could be fully integrated, then there need be no limit to the power available.

With navigation provided to the dam, it would be comparatively inexpensive to create a system of locks whereby ships and barges might sail from cities and towns adjacent to the lake carrying out in commerce the raw products of Oklahoma and Texas and bringing back the finished products which Oklahoma and Texas need.

My friends, this vision is not as wild today as was the proposal years ago to build this work at a cost of over \$50,000,000.

Oklahoma and Texas form an economic empire.

Our Governors and our representatives in Congress are working together.

Through this cooperation, there is no limit to the development of our great States of Oklahoma and Texas.

THE PRESIDING OFFICER. The question is on agreeing to the committee amendment as amended, which will be stated.

THE CHIEF CLERK. On page 4, after line 13, it is proposed to insert the following:

SEC. 5. Electric power and energy generated at reservoir projects under the control of the War Department and in the opinion of the Secretary of War not required in the operation of such projects shall be delivered to the Secretary of the Interior, who shall transmit and dispose of such power and energy in such manner as to encourage the most widespread use thereof at the lowest possible rates to consumers consistent with sound business principles, the rate schedules to become effective upon confirmation and approval by the Federal Power Commission. Preference in the sale of such power and energy shall be given to public bodies and cooperatives. The sale of such electric power as may be generated at reservoir projects shall be made at the point of production, without special privilege or discrimination, so as to provide for the complete coordination of such power and energy with other power developments, both private and public, in the area contiguous with such projects. It shall be stipulated in connection with any sale that any and all savings realized by the purchasers shall be passed on under Federal regulation where no State regulation exists, to the consuming public: *Provided*, That unless 90 percent of the firm power produced at such projects shall be purchased upon completion of construction of such projects, the Secretary of the Interior is authorized to con-

struct transmission lines for the purpose of selling such power at wholesale: *Provided further*, That nothing herein shall prohibit the building of such transmission lines by the Federal Government or the Secretary of the Interior with Federal funds to supply rural electric associations organized for the purpose of supplying electric energy to rural districts.

THE PRESIDING OFFICER. The yeas and nays having been ordered, the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. WHITE (when Mr. HAWKES' name was called). I announce the unavoidable absence of the Senator from New Jersey [Mr. HAWKES]. I may add that if he were present he would vote "yea."

Mr. WHITE (when Mr. MOORE's name was called). I announce the unavoidable absence of the Senator from Oklahoma [Mr. MOORE], and will state that if he were present he would vote "yea."

The roll call was concluded.

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent from the Senate because of illness.

The Senator from New Mexico [Mr. CHAVEZ] and the Senator from Tennessee [Mr. STEWART] are absent because of illness in their families.

The Senators from Nevada [Mr. McCARRAN and Mr. SCRUGHAM] and the Senator from Utah [Mr. MURDOCK] are detained on official business for the Senate.

The Senator from Florida [Mr. ANDREWS], the Senator from Idaho [Mr. CLARK], the Senator from Mississippi [Mr. EASTLAND], the Senator from Louisiana [Mr. OVERTON], the Senator from Utah [Mr. THOMAS], the Senator from Missouri [Mr. TRUMAN], the Senator from New York [Mr. WAGNER], the Senator from Washington [Mr. WALLGREN] and the Senator from New Jersey [Mr. WALSH] are necessarily absent.

The Senator from Utah [Mr. THOMAS] has a general pair with the Senator from New Hampshire [Mr. BRIDGES]. I am advised that if present and voting, the Senator from Utah would vote "nay," and the Senator from New Hampshire would vote "yea."

The Senator from Tennessee [Mr. STEWART] is paired with the Senator from Oregon [Mr. HOLMAN]; the Senator from New York [Mr. WAGNER] is paired with the Senator from Kansas [Mr. REED]; and the Senator from Mississippi [Mr. EASTLAND] is paired with the Senator from Oklahoma [Mr. MOORE]. I am advised that if present and voting, the Senator from Mississippi [Mr. EASTLAND] would vote "nay," and the Senator from Oklahoma [Mr. MOORE] would vote "yea."

Mr. WHERRY. I announce that the Senator from New Hampshire [Mr. BRIDGES] has a general pair with the Senator from Utah [Mr. THOMAS]. I am advised that if present and voting, the Senator from New Hampshire would vote "yea."

The Senator from Connecticut [Mr. DANAHY] is absent because of important public business. I am advised that if present, he would vote "yea."

The Senator from Oregon [Mr. HOLMAN], who is absent because of illness in

his family, has a general pair with the Senator from Tennessee [Mr. STEWART].

The Senator from Oklahoma [Mr. MOORE], who is necessarily absent, has a pair on this question with the Senator from Mississippi [Mr. EASTLAND]. If the Senator from Oklahoma were present, he would vote "yea." I am advised that if present and voting, the Senator from Mississippi would vote "nay."

The Senator from Kansas [Mr. REED] has a general pair with the Senator from New York [Mr. WAGNER].

The Senator from New Hampshire [Mr. TOBEY], the Senator from Delaware [Mr. BUCK], the Senator from Maine [Mr. BREWSTER] and the Senator from Iowa [Mr. WILSON] are necessarily absent.

The result was announced—yeas 27, nays 42, as follows:

YEAS—27

Austin	Gerry	Taft
Bailey	Gurney	Thomas, Idaho
Bankhead	Jenner	Thomas, Okla.
Brooks	Maloney	Tydings
Burton	Millikin	Vandenberg
Bushfield	O'Daniel	Weeks
Eyrd	Raefcliffe	White
Clark, Mo.	Evercomb	Wiley
George	Reynolds	Willis

NAYS—42

Alken	Gillette	McKellar
Ball	Green	Maybank
Earkley	Guffey	Mead
Bilbo	Hatch	Murray
Butler	Hayden	Nye
Capper	Hill	O'Mahoney
Caraway	Johnson, Calif.	Pepper
Chandor	Johnson, Colo.	Robertson
Connally	Kilgore	Russell
Cordon	La Follette	Shipstead
Davis	Langer	Tunnell
Downey	Lucas	Walsh, Mass.
Ellender	McClellan	Wheeler
Ferguson	McFarland	Wherry

NOT VOTING—25

Andrews	Hawkes	Thomas, Utah
Brewster	Holman	Tobey
Bridges	McCarran	Truman
Buck	Moore	Wagner
Chavez	Murdock	Wallgren
Clark, Idaho	Overtone	Walsh, N. J.
Danahy	Reed	Wilson
Eastland	Scrugham	
Glass	Stewart	

So the committee amendment, as amended, was rejected.

Mr. OVERTON. Mr. President, I desire now to offer the amendment as it was originally proposed by the Committee on Commerce. This amendment, I understand, meets with the approval of the Secretary of the Interior. I send the amendment to the desk and ask that it be read. I do not think it needs any discussion so far as I am concerned. It has been thoroughly explained over and over again.

THE VICE PRESIDENT. The amendment will be read.

THE CHIEF CLERK. On page 4, beginning with line 14, it is proposed to insert the following:

SEC. 5. Electric power and energy generated at reservoir projects under the control of the War Department and, in the opinion of the Secretary of War, not required in the operation of such projects shall be delivered to the Secretary of the Interior, who shall transmit and dispose of such power and energy in such manner as to encourage the most widespread use thereof at the lowest possible rates to consumer consistent with sound business principles, the rate schedules to become effective upon confirmation and approval by the Federal Power Commission. Preference in the sale of such power and

energy shall be given to public bodies and cooperatives. The Secretary of the Interior is authorized to construct and acquire only such transmission lines and related facilities as may be necessary in order to make the power and energy generated at said projects available in wholesale quantities for sale on fair and reasonable terms and conditions to facilities owned by the Federal Government, public bodies, cooperatives, and privately owned companies.

The PRESIDING OFFICER (Mr. Lucas in the chair). The question is on agreeing to the amendment to the committee amendment offered by the Senator from Louisiana.

Mr. McCLELLAN. Mr. President, I have an amendment on the desk which I offer as an amendment to the amendment offered by the Senator from Louisiana.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. On page 5, at the end of line 7, it is proposed to add the following:

It shall be stipulated in connection with any sale that any and all savings realized by the purchasers shall be passed on under Federal regulation where no State regulation exists, to the consuming public.

Mr. McCLELLAN. Mr. President, in discussing the Bailey amendment last Wednesday I made reference to this provision of that amendment and, stated at the time that I considered offering it as an amendment to the original committee amendment, that is, the one now offered by the Senator from Louisiana. I stated at that time my reasons why I felt that this provision should be a part of the flood-control bill and the policy provisions of this measure. I do not deem it necessary to discuss it. I believe that all benefits resulting from the sale of power which come from Government-built facilities such as power dams or flood-control dams should be passed on to the consuming public. I do not know whether this provision is wholly adequate to accomplish that purpose, but I do not believe in making any contract for the power with a private utility at a low rate for the wholesale price without some provision being in the contract whereby the benefits of the cheap power will be passed on to the ultimate consumers.

Mr. MURRAY. Mr. President, will the Senator state briefly the burden of his amendment?

Mr. McCLELLAN. As I have said, I take no credit for the authorship of the amendment. I took this provision from the Bailey amendment. The amendment provides that in all contracts made for the sale of power it shall be stipulated that the benefits therefrom shall be passed on to the ultimate consumer. This is the condition which I think it covers: We assume that the Government in these hydroelectric dams can generate power at a much cheaper cost than a private utility can, and can afford to sell it to cooperatives and to a private utility at the same rate. If it is produced cheaper and the private power company makes a contract for it on a cheaper basis than it can itself produce it, that benefit should be passed on to the consumer and not go as an addi-

tional profit or an increased profit to the private utility. That is what I think the provision would accomplish. If the law were strictly followed, that is if the purpose and intent of the amendment were followed, in the administration of the law, I think it would inure ultimately to the benefit of the actual consumer.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. RUSSELL. Just how would this benefit reach the consumer? As I read the amendment it provides that it shall not be done except in cases where there is no State regulation. I think nearly every one of the States has some regulatory body.

Mr. McCLELLAN. That may be true, and we probably could not usurp the authority of the State, but it certainly would express the intent on the part of Congress that the consumer should receive the ultimate benefit of this cheap power. It would at least express our intent that the law should be administered in that way.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. WHEELER. I will say frankly that it seems to me that in order that the ultimate consumer may obtain the benefit which the Senator seeks to give him by this provision, there should be stricken from the amendment the words "under Federal regulation where no State regulation exists," and simply say, "and all savings realized by the purchasers shall be passed on to the consuming public."

Let me say that in some States there may exist a State body which instead of regulating the power companies is regulated by the power companies. Where the Government is furnishing cheaper power the general public should receive the benefit of such cheaper power. I should be delighted to support the amendment if the Senator would strike out the language "under Federal regulation where no State regulation exists," so the provision would be, "and all savings realized by the purchaser shall be passed on to the consuming public."

Mr. RUSSELL. Mr. President, if the Senator from Montana will permit me, why not leave in the words "under Federal regulation" and strike out the remainder of the sentence?

Mr. WHEELER. I have no objection to leaving it under Federal regulation; but certainly the language "where no State regulation exists" should be eliminated, so as to read:

It shall be stipulated in connection with any sale that any and all savings realized by the purchasers shall be passed on under Federal regulation to the consuming public.

Let me say to the Senator that my attention was called by the Bureau to a case involving one of the power companies in eastern Montana. Some of the people there were able to get a much better rate by reason of the fact that the Bureau made the power company give a cheaper rate than was allowed by the State regulatory body. This was made possible because of the cheap power which the power company was getting

from the Government. Otherwise, in connection with some of the projects, the power companies or municipalities may buy their power from the Federal Government at a very low rate, but when they come to sell it to the consuming public, they may charge a much higher price, and make a great deal of profit by reason of the low price of the power obtained from the Government. I believe that the general public ought to have the benefit of cheap prices for power. I feel that the only way we can make sure that the general public obtains the benefit is by doing as I have suggested.

Mr. McCLELLAN. That is the goal to which I am driving. My amendment may not be wholly adequate to accomplish the desired result.

Mr. WHEELER. I believe that the Senator's amendment would accomplish the desired result if the words "where no State regulation exists" were stricken out, so that the language would read:

It shall be stipulated in connection with any sale that any and all savings realized by the purchasers shall be passed on under Federal regulation to the consuming public.

Mr. MURRAY. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. Lucas in the chair). Does the Senator from Arkansas yield to the Senator from Montana?

Mr. McCLELLAN. I yield.

Mr. MURRAY. Without striking out that wording, the result might be that the State regulatory body might permit higher rates. Some of the rates already established may be higher than would be justified, and those higher rates would be permitted to obtain in the case of power purchased at very low rates from the public power projects. It seems to me that if the Senator were to strike out that wording he would get substantial support for his amendment.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. McCLELLAN. I shall be glad to yield to the Senator in a moment.

It is not my purpose, Mr. President, to sponsor any amendment which would usurp the power of the State regulatory bodies to fix rates generally; but I do wish to see in the Federal law a protection against profiteering from the sale of power. The real benefits should go to the ultimate consumers. If it is necessary to modify the amendment to attain that objective, I have no objection to modifying the amendment to that extent.

I now yield to the Senator from South Carolina.

Mr. MAYBANK. Mr. President, I am indeed pleased to know that the Senator is willing to modify his amendment. At some time later in the day I wish to read some correspondence between William J. Neal, Deputy Administrator of the Rural Electrification Administration, and myself in connection with the matter now under consideration. The substance of it shows that in connection with a \$45,000,000 power plant built in South Carolina with Federal aid, in many instances power is now being sold at 4 mills to the power companies because of lack of ability to obtain priorities from the War

Production Board for the construction of transmission lines. The power from that dam, which is sold at 4 mills, was made possible by the Congress of the United States. It is carried only a few miles, and the power company resells it to farm cooperatives for 12 mills, or three times the price paid for the power.

(On request of Mr. MAYBANK, and by unanimous consent, the following matter, which appeared in the daily RECORD of November 27, was ordered to be printed in the permanent RECORD at this point:)

Mr. MAYBANK. Mr. President, I ask unanimous consent to have printed in the RECORD correspondence between the Senator from Louisiana [Mr. ELLENDER], myself, and Mr. William J. Neal, Deputy Administrator of the Rural Electrification Administration, as well as tables showing electrical rates charged by private power companies to South Carolina rural electric cooperatives.

The VICE PRESIDENT. Without objection, it is so ordered.

The correspondence and tables are as follows:

UNITED STATES
DEPARTMENT OF AGRICULTURE,
RURAL ELECTRIFICATION ADMINISTRATION,
Washington, D. C., November 24, 1944.
Hon. BURNET R. MAYBANK,
United States Senate,
Washington, D. C.

MY DEAR SENATOR MAYBANK: You will be interested in the enclosed copy of letter which I have today sent to Senator ELLENDER, of Louisiana, concerning the proposal of Senator BAILEY, and similar proposals to amend section 5 of the Flood Control Act relating to the construction of transmission lines for the sale of electric energy generated at Federal dams. Please note particularly our reference to the situation in South Carolina. As you intimately know, the State authority had planned to build transmission lines from the Santee-Cooper Dam to reach its markets. This construction was interrupted by the war. Because of this the Authority was able to serve only the Berkeley Electric Cooperative whose distribution facilities were in the Santee-Cooper Dam area.

The Authority's report for the calendar year 1943 shows that almost 275,000,000 kilowatt-hours of energy were sold to three utility companies at an over-all average rate of approximately 4 mills. I enclose a table showing the break-down of these figures. During the same period approximately one and one-half million kilowatt-hours were sold directly by the Authority to a cooperative. As appears from the enclosed table, the three companies which bought power from the Santee-Cooper Dam resold power to several cooperatives at rates averaging almost 12 mills.

Today the Authority is completing its transmission line to Conway and is actively engaged in building other lines which will deliver Santee-Cooper power at a 5½-mill rate to most of the South Carolina cooperatives. After considerable effort on the part of the cooperatives and the exhaustion of all other alternatives which might have brought power to the cooperatives at more appropriate rates, it has been definitely established that the only way that the cooperatives and the people of South Carolina can obtain benefit from the publicly produced power is by publicly constructed transmission lines.

Very truly yours,

WILLIAM J. NEAL,
Deputy Administrator.

UNITED STATES
DEPARTMENT OF AGRICULTURE,
RURAL ELECTRIFICATION ADMINISTRATION,
Washington, November 24, 1944.
Hon. ALLEN JOSEPH ELLENDER,
United States Senate, Washington, D. C.

MY DEAR SENATOR ELLENDER: In answer to your inquiry as to the effect upon the Rural Electrification program of the amendment proposed by Senator BAILEY on Section 5 of the flood-control bill, H. R. 4485, please be advised that it is our firm convictions, based on the experience of our cooperative borrowers in all sections of the country, that the proposal would have the effect of denying the benefits of low-cost public power to the American farmers.

It is my understanding of the proposed amendment that it would postpone construction of transmission lines for the wholesale distribution of power generated at reservoir projects for a period of years within which potential purchasers would be given an opportunity to purchase the power generated at bus bar. I understand also that Senator MALONEY has given notice of his intent to propose an amendment which will limit the authority of the Government to construct transmission lines during the construction of the dams and which will provide that such authority could be exercised only if 90 percent of the firm power produced had not been purchased at the time of completion of the dam.

As you know, transmission lines are usually built at high voltages to carry substantial blocks of energy to load centers. In most instances the construction of such lines by R. E. A. cooperatives would not be feasible because of the scattered character of the cooperative power load which is limited by the Rural Electrification Act of 1936 to areas having populations of 1,500 or less. Except in unusual cases it would be impossible for the average cooperative or cooperatives to build such a line to the dam for the purpose of receiving the electric energy it requires for its consumers. Further there is the element of cost to be considered. Heavy transmission lines require large expenditures of funds which cannot be made out of the limited loan authorizations of R. E. A. Unless the cooperatives can obtain power from public transmission lines built into their distribution areas, they and their farmer members can derive no benefit from the development of Federal power projects.

This is convincingly demonstrated by the experience of the cooperatives in the Southwest region which are within service area of the dams operated by the Grand River Dam Authority. In your own State none of this power is available directly to the cooperatives from the Authority. Louisiana cooperatives are paying as much as 2 cents a kilowatt-

hour for electric energy at wholesale. A notable exception is the Ark-La Electric Cooperative, which is buying a substantial amount of power from the Authority at 4½ mills and is receiving this power and transmitting over its own lines into Arkansas to serve a federally owned aluminum plant.

A similar situation exists in the State of South Carolina, where the State Public Service Authority is producing power at a federally financed dam. This Authority has contracted to sell South Carolina electric cooperatives substantial blocks of power at 5½ mills. However, its transmission lines now reach only one cooperative, which is enjoying the benefit of this rate. Several of the 22 cooperatives in South Carolina are buying power generated by the Authority at the Santee-Cooper Dam, sold to three private utilities at a rate averaging over all 4 mills, and resold to the cooperatives at wholesale rates averaging about 12 mills. This situation is being rectified as rapidly as possible by the construction of transmission lines by the State authority, the cooperatives having exhausted all other means of securing delivery of Santee-Cooper power at rates more commensurate with the cost of the power at the dam. The South Carolina experience convincingly shows the need for construction of transmission lines by the same agency which operates the dam.

The R. E. A. cooperatives cannot take advantage of cheap power supplies at publicly constructed dams unless the power is brought into their service areas. With the cheap power supply brought into those areas R. E. A.'s program of bringing electricity on an area coverage, self-liquidating basis, to all farm homes will be materially advanced. I need only refer to the rate experience of the cooperatives in Tennessee, Oregon, and Washington which are supplied respectively by T. V. A. and Bonneville. In Tennessee the cooperatives are paying between 4 and 5 mills for their power purchased from T. V. A., 12 mills for their power purchased from private utilities. In Oregon the public power rates are 4 mills as compared with 12 and 13 mills from private suppliers; in Washington 4 mills as compared with rates running between 11 and 16 mills. In North Carolina the cooperatives are paying an average of 12 mills per kilowatt-hour for their power. Not one of the North Carolina cooperatives is enjoying a wholesale rate from a private power company which is less than 1 cent per kilowatt-hour. In fact, the private utility company rates paid by cooperatives in North Carolina rank among the highest in the Nation.

I trust that this is the information you wish.

Very truly yours,

WILLIAM J. NEAL,
Deputy Administrator.

Energy purchases by South Carolina electric cooperatives from 3 private utilities, 12 months ending June 30, 1943

Cooperative	Supplier	Kilowatt-hours	Cost	Cost per kilowatt-hour
Aiken Electric Cooperative	South Carolina Electric & Gas Co.	411,400	\$4,743	1.15
Tri-County Electric Cooperative	do	703,755	7,859	1.12
Broad River Electric Cooperative	do	60,780	719	1.18
Mid-Carolina Electric Cooperative	do	1,106,700	12,325	1.11
Aiken Electric Cooperative	South Carolina Power Co.	1,613,580	18,767	1.16
Edisto Electric Cooperative	do	945,290	11,661	1.26
Berkeley Electric Cooperative	do	881,040	10,438	1.18
Coastal River Electric Cooperative	do	734,060	8,896	1.21
Little River Electric Cooperative	do	391,440	4,878	1.25
Marion Electric Cooperative	Carolina Power & Light	652,800	6,628	1.00
Lynchess River Electric Cooperative	do	742,000	7,890	1.06
Pee Dee Electric Cooperative	do	1,290,000	15,223	1.18
Mariboro Electric Cooperative	do	1,593,380	18,254	1.02
Santee Electric Cooperative	do	2,034,000	23,467	1.15
Black River Electric Cooperative	do	755,930	8,734	1.16
Horry Electric Cooperative ²	do	1,120,800	13,683	1.22

¹ Purchases power now from Santee-Cooper at 5.5 mills per kilowatt-hour.

² Will soon receive 5.5 mills power from Santee-Cooper over Authority line now being constructed.

Santee-Cooper—Energy sales and revenues to utility companies—12 months ending Dec. 31, 1943

Consumer	Primary			Secondary			Surplus			Total		
	Kilowatt-hours	Amount	Average rate (mills)	Kilowatt-hours	Amount	Average rate (mills)	Kilowatt-hours	Amount	Average rate (mills)	Kilowatt-hours	Amount	Over-all average rate (mills)
South Carolina Electric & Gas Co.	48,000,000	\$264,000.00	5.500				19,918,502	\$24,123.05	1.211	67,918,502	\$288,123.05	4.242
South Carolina Power Co.	48,274,304	265,514.18	5.500	28,000,000	\$70,000	2.500	20,531,112	45,555.41	2.218	96,805,416	381,069.59	3.936
Carolina Power & Light Co.	48,000,000	264,000.00	5.500				60,343,000	153,064.50	2.536	108,343,000	417,064.50	3.849

Mr. LANGER. Mr. President, will the Senator yield?

Mr. McCLELLAN. I shall be glad to yield in a moment. I should like to make a parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. Is there a limitation of time in the discussion of this amendment?

The PRESIDING OFFICER. There is no limitation of time in the discussion of this amendment.

Mr. McCLELLAN. I thank the Chair. I now yield to the Senator from North Dakota.

Mr. LANGER. How are the savings mentioned by the Senator to be determined, and who is to determine them?

Mr. McCLELLAN. I assume that the contracting agent for the Government, the Secretary of the Interior, would write into the contract a provision which would protect the consuming public. This amendment is designed to give him that power.

Mr. LANGER. Suppose a transmission line were built; how would the savings be determined?

Mr. McCLELLAN. I believe that this provision would apply primarily to the private utilities and possibly public bodies which purchase power. Certainly they are now free to negotiate with the co-operatives and others, to give them the benefit of cheap power. But when power is sold to a private utility which already has established rates, if its cost of production is 4 cents a kilowatt, and it is able to buy power at the Government power dam for 2 cents a kilowatt, that represents a profit which should be passed on to the consumer and should not be permitted to be retained by the power company.

Mr. LANGER. I understand that; but when a dam is built, how are the savings to be determined, and who is to determine them?

Mr. McCLELLAN. I think the Federal Power Commission would have jurisdiction in determining what a fair rate would be. It would be consulted. Under the provisions of this amendment any rates established must be approved by the Federal Power Commission.

Mr. LANGER. As I understand, the rate to be fixed would take cognizance of any so-called savings.

Mr. McCLELLAN. We could refuse to contract with the private utility until such time as it satisfies us that it is passing on the benefits to the consumers.

Mr. LANGER. In other words, that the rates would be lowered.

Mr. McCLELLAN. Yes. I think we could do that. With this provision in

the law, I do not believe that the Secretary of the Interior would be required to make a contract with a private utility until it met the provisions of the law.

Mr. President, I ask unanimous consent to modify the amendment which I have offered, by striking out the words "where no State regulation exists."

The PRESIDING OFFICER. The Senator does not require unanimous consent. The amendment is modified accordingly.

Mr. MURRAY. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. MURRAY. I merely wish to call attention to the fact that the amendment as it now stands provides that the Secretary of the Interior, in disposing of the power which will be generated at these dams, "shall transmit and dispose of such power and energy in such manner as to encourage the most widespread use thereof at the lowest possible rates to consumers consistent with sound business principles, the rate schedules to become effective upon confirmation and approval by the Federal Power Commission."

That is a mandate to the Secretary of the Interior to supply power at the cheapest possible rate consistent with sound business principles.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. McCLELLAN. I have finished. I am glad to yield the floor.

Mr. OVERTON. Then I shall speak in my own time.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. OVERTON. Mr. President, the amendment offered by the distinguished Senator from Arkansas has quite an appeal. I am in sympathy with the principle and theory advanced by the amendment. However, it has been hastily prepared. It was offered on the floor of the Senate, without any committee study or investigation. No hearings have been held in reference to it. I can now conceive of reasons why perhaps it would not operate properly, as it is now drafted.

Let us take, for example, a private power company, which desires to connect with a Federal dam and obtain power at cheap rates. Assume that it is so circumstanced that in order to do so it must undergo certain expenses. If every dollar of the savings realized must be passed on to the consumers, the power company may say, "What is the use? We would rather not go through all the struggle, and incur all the expense incident to the additional operation if we are to get no profit out of it."

The Secretary of the Interior would have authority under this amendment to enter into a contract with a power company so circumstanced, and to say to it, "Well, your case is an unusual one, and we are not going to exact that all the savings you make shall be passed on to the consumer, but we shall require in the contract that you pass on to the consumer 75 percent of the savings" or "80 percent of the savings" or "90 percent of the savings."

To another power company he would say, "Your situation is entirely different. This additional operation would not require very much trouble insofar as your company is concerned. The transmission line would be a very short one. It would not require much additional overhead expense or many additional employees, and so forth. Therefore, we shall require that all the savings be passed on to the consumer before we dispose of the power to you."

I give those illustrations merely off-hand. As pointed out by the Senator from Montana, the amendment as it now reads expresses, I think, the correct thought, namely, that it gives to the Secretary of the Interior the power to "transmit and dispose of such power and energy in such manner as to encourage the most widespread use thereof at the lowest possible rates to consumers consistent with sound business principles."

Therefore, the Secretary of the Interior and the experts who represent him would negotiate with the private power company and would make an equitable adjustment of the amount of the savings which should be passed on to the consuming public. I do not think it should be 100 percent in all cases. I can conceive of many cases in which it should be less than that. Otherwise, a power company would say, "Well, we will let it alone; we will not take this cheaper power."

Furthermore, the amendment as offered provides that—

The Secretary of the Interior * * * shall * * * dispose of such power * * * at the lowest possible rates to consumers consistent with sound business principles.

I think that thought is the one which should predominate. But when it is said, as does the amendment proposed by the Senator from Arkansas—

It shall be stipulated in connection with any sale that any and all savings realized by the purchasers shall be passed on under Federal regulation, where no State regulation exists, to the consuming public.

Then I ask: What Federal regulation? What Federal authority is going to make that regulation? That is not

stipulated in the amendment proposed by the Senator from Arkansas. Before the Senate acts on an amendment of this character, I think it should be subjected to the scrutiny of the Department of the Interior and hearings should be held on it, so that we could have prepared a suitable and appropriate amendment which would meet an objective which I am sure practically every Senator would like to have achieved.

Mr. McCLELLAN. Mr. President, will the Senator yield to me?

Mr. OVERTON. I yield.

Mr. McCLELLAN. I should like to ask the Senator whether the amendment which I have offered in connection with the Bailey amendment was not considered by the committee and recommended for adoption.

Mr. OVERTON. There was no evidence at all; no hearings were held on it.

Mr. McCLELLAN. No; but the committee considered the Bailey amendment and recommended its adoption, and this provision was contained in the Bailey amendment.

Mr. OVERTON. That is perfectly true.

Mr. McCLELLAN. So the committee has considered it.

Mr. OVERTON. I did not say the committee had not considered it. I said there were no hearings and it was not submitted to the Department of the Interior.

I think an amendment of this sort should be formulated after consultation with experts and those familiar with the disposition of power through a public agency before the Senate undertakes to adopt it.

The amendment proposed by me, if adopted, will go to conference; and if in conference, after consultation with the Department of the Interior, something can be worked out which would carry out this very laudable purpose, so far as I am concerned, speaking for myself, I should be very happy, indeed, to vote for its inclusion.

But I think this hastily drafted amendment should not be adopted by the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, offered by the Senator from Arkansas [Mr. McCLELLAN].

The amendment as modified was rejected.

Mr. BARKLEY. Mr. President, many Senators have asked me about the program relative to the holding of a session tomorrow. I am anxious to get along with legislation as rapidly as possible. We have been in session nearly 2 weeks, but we have not yet done anything. If we are to wind up the last ends of business which remains to be disposed of at this session, or which should be disposed of, we must make some speed.

Nevertheless, I realize how difficult it is to make any headway on Saturday. If the amendments which are contemplated are offered—one by the Senator from Wyoming, and possibly others, which will be controversial—I doubt whether we can finish consideration of the bill today, although from day to day

I have been joining with the Senator from Louisiana in hoping that we could finish its consideration on that particular day. But here we are.

What is the Senator's idea about attempting to hold a session tomorrow?

Mr. OVERTON. Frankly, Mr. President, I do not think there is any possibility of completing consideration of the bill today. I think there might be an opportunity to complete its consideration on Saturday if we could get proper attendance here.

Mr. BARKLEY. That is always the problem.

Mr. OVERTON. But I know the difficulty which lies in the way of securing the attendance of a quorum on a Saturday.

I am perfectly willing to yield to the better and more trained and experienced judgment of the majority leader.

Mr. BARKLEY. I was not inquiring for the purpose of bringing today's session to a close now, but in order that I might advise Senators as to the probabilities of a session tomorrow.

In that connection, I wonder whether it would be possible to secure a limitation on debate on the bill and the amendments which will be offered, beginning with the next session.

Mr. OVERTON. I doubt whether it would be exactly the proper thing to secure a limitation on debate on the O'Mahoney amendment, because it is rather involved and intricate, and I think we will find some difficulty with it.

Mr. BARKLEY. I am not pressing the matter. I am simply attempting to feel out the situation.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CLARK of Missouri. If the Senator from Vermont [Mr. AIKEN] is going to offer the amendment which it has been indicated he will offer, namely the St. Lawrence waterway amendment, I can say to the Senator from Kentucky that I intend to speak indefinitely on that subject.

Mr. BARKLEY. I was afraid of that. [Laughter.]

Mr. CLARK of Missouri. In other words, I would not be willing to agree to any arrangement about amendments which would put a limitation on debate on the St. Lawrence waterway amendment.

Mr. BARKLEY. I have been conferring with the Senator from Vermont about his intention of offering that amendment to the pending bill. He has previously indicated his intention to offer it to the river and harbor bill, not to the pending bill. The result of my conference with him is that he himself has not yet decided which he will do.

Mr. CLARK of Missouri. Yesterday the Senator from Vermont told me that he did not know to which bill he would offer his amendment. I can say to the Senator from Kentucky that I not only know several different ways of speaking on a bill, but I know several different ways of offering amendments to a bill.

Mr. BARKLEY. The Senator does not have to remind me of his skill in that regard.

Mr. CLARK of Missouri. In other words, I am reserving every right I possibly have on the St. Lawrence waterway.

Mr. OVERTON. Mr. President, I suggest that we beat the devil tomorrow, when we meet him. But I hope we do not meet the devil.

Mr. BARKLEY. We would not have to travel very far to get on his tracks.

Mr. WHITE. Mr. President, will the Senator from Louisiana yield to me?

Mr. OVERTON. I yield.

Mr. WHITE. I understood the Senator from Louisiana to say that in his opinion there was no prospect of passing the pending bill this afternoon.

Mr. OVERTON. The Senator is correct in his understanding.

Mr. WHITE. I completely concur in the view expressed by the Senator from Louisiana. I hope that no effort will be made to hold a session tomorrow, which will be Saturday. Senators do not waste their time on Saturdays, even though the Senate be not in session. Saturday affords an opportunity, which all Senators need, I believe, of clearing up correspondence and other matters which reach their desks during the week. If we hold a session of the Senate on Saturday we will find it increasingly difficult in the days of the coming week to keep Members on the floor of the Senate attending to legislative tasks. While I concur in the statement of the Senator that the pending bill cannot be passed this afternoon, I dare express the hope to him, and to the distinguished majority leader, that no effort will be made to hold a session tomorrow.

Mr. BARKLEY. Mr. President, will the Senator from Louisiana yield?

Mr. OVERTON. I yield.

Mr. BARKLEY. I thank the Senator from Maine, and all other Senators, for their suggestions, which clear the atmosphere sufficiently for me to announce that we will not be in position to finish consideration of the pending bill today, and that we will not hold a session of the Senate tomorrow. Having made that statement, Senators may govern themselves accordingly.

I wish to say further, Mr. President, that certain legislation must be acted upon before this Congress expires. I have reference to legislation providing for the extension of certain war powers. It may be necessary to ask that the pending bill be laid aside in order that we may consider legislation for the extension of certain war powers which would otherwise expire on the 31st of December. I hope that we may dispose of the pending bill promptly enough to make it unnecessary to lay it aside in order to take up the other matters to which I have referred.

Mr. OVERTON. I think that question can be taken up when there is necessity for it being considered.

Mr. WHERRY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WHERRY. Will the Chair state what is the business now pending before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Louisiana on behalf of the committee.

Mr. BANKHEAD. Mr. President, will the Senator from Louisiana yield to me?

Mr. OVERTON. I yield.

Mr. BANKHEAD. With reference to the matters appearing on the calendar or to which an agreement has been reached, it is evident that it will be difficult to take them up and pass them before a majority of the Members of the Senate go home for the holidays and we would have difficulty in developing a quorum. In order that we make all the progress we can, I wish to ask the Senator from Kentucky if he believes it would be possible to get an agreement now, at the end of a week's debate on the pending flood-control bill, relative to a time for voting on it.

Mr. BARKLEY. Personally, I should be glad to enter into such an agreement, but I doubt whether it would be possible to reach an agreement of that nature at this time. I doubt whether Senators would now agree on a time to vote on the bill. Such an agreement would probably depend upon the character of amendments to be offered. I hope that no difficulty will be encountered in completing consideration of the pending bill and also the river and harbor bill by the end of next week. I doubt whether we could now reach an agreement to vote on the final passage of the pending bill on any date next week.

Mr. OVERTON. I believe that by next Monday we might be in position to reach such an agreement. It might not be possible to reach it early in the day, but I think it could be reached later in the day.

Mr. BARKLEY. Possibly we could reach an agreement later, but the Senator asked me if we could do it today, and I doubt it.

Mr. MURRAY. Mr. President, I do not see any need of attempting to speed the pending bill through Congress without affording opportunity for an adequate discussion of it. I think the pending bill is one of the most important pieces of legislation that can be brought before the Senate. I certainly will not agree to any limitation in the time to be allowed in presenting the proper views which I have in connection with the matter. I intend to bring up the Missouri Valley Authority amendment and have it considered in connection with the pending bill.

Mr. OVERTON. Mr. President, when the Senator does that, if the Chair will give me recognition, I will move to lay it on the table.

Mr. MURRAY. Mr. President, that would not prevent me from discussing the matter. I intend to bring forward the Missouri Valley Authority amendment and have the Senate understand what it is, and also point out to Members of the Senate what the effect of the proposed legislation would be on the country.

The entire purpose of the effort to speed the pending bill through Congress is to prevent the country from having the Missouri Valley Authority established

in the West. The Missouri Valley Authority is absolutely necessary to the interests and welfare of the people in my section. I will not consent to any limitation of time in debate upon the present measure.

Mr. BARKLEY and other Senators addressed the Chair.

Mr. OVERTON. Mr. President, I have the floor.

The PRESIDING OFFICER. The Senator from Louisiana has the floor. Does he wish to yield; and if so, to whom?

Mr. OVERTON. I will not yield to anyone.

The PRESIDING OFFICER. The Senator from Louisiana has the floor.

Mr. OVERTON. Mr. President, when I stated that I would move to lay the Missouri Valley Authority amendment on the table in the event it should be offered by the Senator from Montana, I did so for certain reasons. In the first place, the Senator from Montana has said that the pending bill is being hastily railroaded through the Congress. It was originally introduced in the other House more than a year ago. Hearings were held on it for many weeks. It was passed by the House in the early spring of this year and sent to the Senate. Full hearings were held on it by a Senate committee, and everyone who had any amendment to propose was invited to come before the committee. I gave notice from the floor of the Senate that hearings would be held on the bill. I gave notice not only once but twice from the floor, and I also gave notice through the press. The Senator from Montana did not appear, nor did anyone else appear for the purpose of offering a Missouri Valley Authority amendment.

After the flood-control bill and the river and harbor bill had been reported, the Senator from Montana submitted the Missouri Valley Authority amendment. He now proposes to seek to have it incorporated in the flood-control bill as an amendment without any hearing having been held upon it by any committee, without any testimony having been heard, or without a report being made upon it by any department of the Government.

Mr. President, why do I say there should not be any discussion of the matter? The Senator from Montana has said that I am trying to railroad this bill through the Congress. I reply that I think he is making an effort to kill the pending bill in order that there may be no flood-control bill, or river and harbor bill, but that, instead, there will be a grandiose Missouri Valley Authority bill enacted next year by the Congress of the United States.

I do not believe the Senate would be willing to consider the amendment to which the Senator from Montana has referred, and vote on it if it should be presented, without a hearing having been held on it or testimony presented in its support. Even those favoring the Missouri Valley Authority would like to have some opportunity of ascertaining whether its provisions are proper, or whether some amendment should not be offered to it. So, Mr. President, I do not believe the time has come when the Sen-

ate will legislate in any such manner as proposed by the Senator from Montana.

Mr. MURRAY. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. MURRAY. I understood the Senator to say that the pending bill had been the subject of very exhaustive hearings, that the bill was carefully prepared and studied, and that no objections had been made to it.

Mr. OVERTON. I did not say that no objections had been made to it.

Mr. MURRAY. Is it not a fact that a fight has been made against this measure because it totally ignores the irrigation rights of the States in the upper part of the valley? Is it not true that the Senator from Louisiana and others supporting the proposed legislation attempted to get together for the purpose of preventing a Missouri Valley Authority, and that an agreement has been entered into between the Department of the Interior and Army engineers—

Mr. OVERTON. The Senator asks me too many questions at one time. Let me answer. No; I did not undertake to defeat the Missouri Valley Authority by having the Army engineers and the Bureau of Reclamation enter into any agreement.

Mr. MURRAY. Well, Mr. President—

Mr. OVERTON. I ask the Senator to wait a moment. He asked me several questions. The other question was as to whether there was not an irreconcilable conflict between the lower Missouri Valley people and the upper Missouri Valley people. There is no irreconcilable conflict. The volume of testimony taken upon that subject showed rather conclusively to myself, at least, and to the junior Senator from Wyoming and the junior Senator from Colorado that if an opportunity were given the engineers of the Bureau of Reclamation and the engineers of the War Department to get together they could reconcile the differences. They did get together, and they filed a joint report. So there is no irreconcilable conflict at all, and there has been no attempt to get any proposed legislation for the Missouri Valley Authority.

Mr. MURRAY. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. MURRAY. Does not the joint agreement which is supposed to have been entered into between the Bureau of Reclamation and the Army engineers show on its face that the projects which are being incorporated in and approved by this proposed legislation have not as yet been engineered and worked out? Does it not show that this is simply a list of projects thrown together for the purpose of making it appear that there are projects which can be worked upon, although they are not ready at all? The last paragraph of the agreement says—

Mr. OVERTON. Let us stop at one question.

Mr. MURRAY. What I am asking is one question; it is all a part of the question.

Mr. OVERTON. Very well.

Mr. MURRAY. The agreement itself says:

Precise elevations and heights of reservoirs and dams and final determinations of the power installations required can be agreed upon after more detailed plans and cost estimates have been obtained and compared with benefits and after consideration has been given to the desires and objections of persons affected by the proposed developments.

The agreement proceeds on that very basis.

Mr. OVERTON. I do not yield for any additional questions until I have answered that one.

Mr. President, the Senator from Montana is in error when he says that only slight consideration was given to the projects contained in the joint report. For years the Army engineers have worked in the Missouri River Basin in order to determine proper projects for flood control and navigation and for a number of years the expert engineers of the Bureau of Reclamation have been working in order to decide upon proper projects for irrigation and local beneficial uses of water in the States comprising the Missouri Basin. The testimony before my subcommittee showed that there were really very little differences between the two and that they could probably be reconciled. They were reconciled. But every one of those projects has undergone careful scrutiny by the engineers of the Bureau of Reclamation or by the Army engineers.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. CLARK of Missouri. I merely wish to ask the Senator a question, which can be answered yes or no if the Senator wishes to do so. Is it a fact that the subcommittee of the subcommittee of the Committee on Commerce having to do with both flood control and the river and harbor bill, of which the distinguished Senator from Louisiana is chairman, held hearings for 5 or 6 weeks—I think for at least 6 weeks—at which numerous Senators who were not members of the committee attended, examined witnesses, and presented their side of the controversy, and is it a fact that neither the Senator from Montana [Mr. MURRAY] nor the Senator from North Dakota [Mr. LANGER] appeared before the committee during that period to present the famous so-called Murray-Langer amendment?

Mr. OVERTON. So far as I recall, the Senator from Montana never made an appearance.

Mr. CLARK of Missouri. I think I attended practically every hearing of the subcommittee. I was very much interested in the matter.

Mr. OVERTON. The junior Senator from North Dakota did on one day make a very brief appearance—

Mr. CLARK of Missouri. I happened to miss that day.

Mr. OVERTON. With respect to a proposal in connection with his State; that is all.

Mr. CLARK of Missouri. In other words, the matter was not presented to the subcommittee or to the full committee of the Commerce Committee at all.

Mr. OVERTON. No; but I want to say that some Senators from the Golden West, the Senator from Wyoming [Mr. O'MAHONEY], who is not a member of the committee, and other Senators, including the Senator from Colorado [Mr. MILLIKIN], the Senator from Wyoming [Mr. ROBERTSON], and the Senator from Montana [Mr. WHEELER] all appeared in a concerted effort with the committee to try to reconcile the differences and to undertake it in a way to present something on which the Senate of the United States and the House of Representatives could act intelligently, after full and free discussion, with the objective, Mr. President, of developing the Western States. The evidence of it confronts all Members of the Senate who are now in the Senate Chamber in the matter of the Missouri Basin States. It starts at the mouth of the Missouri River. There is the navigation channel at Sioux City. This has all been agreed upon, and then there are the flood-control and navigation projects above Sioux City, running up to the mouth of the Yellowstone River.

Those are the dams in which the engineers are most vitally interested with a view of having flood protection and navigation and incidental irrigation. Most of the other dams which can be seen dotted like flyspecks over the map in the rear of the Chamber are the dams and reservoirs which the Bureau of Reclamation has been working upon for years. They are essentially irrigation reservoirs. A joint report has been submitted and the differences have been reconciled in reference to two or three of the dams on the main stem of the Missouri River which were the main point of the dispute. Those differences having been reconciled, it seems passing strange to me that any Senator from the West should oppose a joint report involving the expenditure of \$1,250,000,000 to develop the West. I cannot conceive why he should do it.

Mr. CLARK of Missouri. Mr. President, will the Senator indulge me further?

Mr. OVERTON. I yield.

Mr. CLARK of Missouri. As a member for many years of the subcommittee of the Commerce Committee I can bear witness to the industry and genius I may say of the chairman of the subcommittee, the distinguished Senator from Louisiana. I should like to ask the Senator from Louisiana if he ever heard during the long and arduous sessions involving great controversies as to flood control and river and harbor problems of the United States a suggestion made of the so-called Murray-Langer amendment.

Mr. OVERTON. None whatsoever.

Mr. CLARK of Missouri. I attended most of the sessions—the Senator from Louisiana attended them all—but I never heard any such suggestion made, and I never saw the Senator from Montana or the Senator from North Dakota at a meeting of that committee. If they ever intended to offer such a suggestion as that, they certainly never offered it to the committee having jurisdiction over the subject matter.

Mr. MURRAY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from North Dakota?

Mr. OVERTON. I yield the floor.

Mr. LANGER. Mr. President, will the Senator yield to me before he yields the floor?

Mr. OVERTON. Does the Senator desire to ask me a question?

Mr. LANGER. Yes.

Mr. OVERTON. Certainly, I yield.

Mr. LANGER. I merely wish to keep the record straight. I want to suggest to the Senator that his memory is slightly at fault, for I not only appeared at the time he indicated, but the Senator very kindly one day gave me nearly an hour in his private office to go over this matter with him.

Mr. OVERTON. I have discussed it with a great many Senators and with a great many who are not Senators.

Mr. LANGER. I said at that time that I intended to be at the meeting, but was engaged in other committee meetings. I went, however, to one meeting and all those called by the Senator from Wyoming [Mr. O'MAHONEY], who is in charge of another angle of this bill. I personally appeared together with other Senators. I merely wish to keep the record straight.

Mr. OVERTON. But neither in any private or in any public appearance did the Senator ever mention the Missouri Valley.

Mr. LANGER. Not so far as the Senator from Louisiana was concerned.

Mr. BUTLER. Mr. President, will the Senator from Louisiana yield for a question?

Mr. OVERTON. I yield.

Mr. BUTLER. I think Nebraska is the only State in the entire group of the Missouri Valley Basin which is 100 percent within the Missouri Valley Basin. So we in Nebraska are keenly interested in the adoption of this proposal, and I for one would very much regret any delay in the passage of the bill at this session of Congress.

The question I wish to ask either the Senator from Louisiana or the Senator from Montana is this: Would not the passage of this bill as proposed at this session work in line with the ultimate development, if some future Congress desires to organize it, of an M. V. A.? Whatever we do under this bill will be a constructive part of the program in the future, so let us not delay the development of the Missouri Valley area at this time, and have further damage of millions and tens of millions of dollars year after year while we are waiting to determine something which has not yet had a hearing before Congress.

Mr. MURRAY. I might say, in answer to that, if the Senator from Louisiana will permit, that the bill as it now stands undertakes to foreclose the possibility of a Missouri River Authority, by reason of the provisions which are in the bill. The Senator will notice in section 9, I believe it is, under the head of "Missouri River Basin," the bill undertakes to set up a Missouri River Commission. He will notice on page 21 of the bill, starting at the third line, that it proceeds to describe the Missouri River

Commission which is to be set up in connection with the legislation. The purpose of that is to get away from the possibility of a Missouri River Authority.

Mr. CLARK of Missouri. Mr. President, of course, the Senator may not be familiar with the vast amount of work which has been done by the Mississippi River Commission, which I think everyone who lives in the lower part of the Mississippi Valley will agree was directly responsible, under the great Overton Act, introduced by the Senator from Louisiana [Mr. OVERTON] for preventing in the lower part of the Mississippi Valley floods which used to be so disastrous.

This bill is supposed to be a flood-control bill. The creation of a Missouri River Commission, patterned along the lines of the Mississippi River Commission, certainly would not interfere with any future legislation which Congress might see fit to enact setting up a Missouri Valley Authority. This is a flood-control bill and is necessary because frequently in my section we are under the water. The Senator from Montana may not be so much interested in it, but down at my end of the Missouri Valley we are under the water every year. We have had as many as two or three floods a year, and the whole theory of setting up a Missouri Valley Commission is simply that while we pursue the present system of keeping the water off us so far as we can, we adopt the methods which have been used in the lower Mississippi Valley.

Mr. President, this is an amendment I myself offered. There is no intention on earth of precluding any future development which might come about in the way of an M. V. A., although I am personally opposed to that. It is for the purpose of keeping the water off people who are now suffering inundation.

Mr. MURRAY. I will say, in answer to what the Senator has stated, that we in the upper States are in complete sympathy with his program and his efforts to protect the people in his part of the valley from the water, and we wish to cooperate with them, but they have been unable to get to any agreement and they have been fighting about this for a long while.

Mr. CLARK of Missouri. The Senator stated that the inclusion of the provision in this bill for a Missouri River Commission was designed to preclude a Missouri Valley Authority. As the author of the amendment, I can say to the Senator from Montana that there was no such intention in connection with the amendment.

Mr. MURRAY. But the Senator is opposed to a Missouri Valley Authority.

Mr. CLARK of Missouri. I am; but that is an entirely different question. What I am trying to do now is to keep the water off the lands of people who live in the lower Missouri Valley.

Mr. MURRAY. Is it not the Senator's thought that the Missouri River Authority proposed to be set up will be better able to cope with this problem, and to work out a program?

Mr. CLARK of Missouri. I think that whether we ever have a Missouri River Valley Authority or not, which I think is

an extremely problematical question, the Missouri River Commission, armed with proper authority, similar to that of the Mississippi River Commission, would be able to solve the flood control situation in the lower reaches of the Missouri River, which I think is very vitally necessary to the lives of our people.

The Senator from Montana, who lives on the upper reaches of the Missouri River, is in a position to regard the whole problem from an extremely theoretical view. I never in my life lived more than 15 miles from the Mississippi River and 20 miles from the Missouri River. I happen to live where the flood problems actually exist, and I therefore regard the subject from an extremely practical standpoint, not from a theoretical standpoint, not from reading newspaper editorials, not from reading Dave Lillienthal's book, not from reading anything of that sort. I regard it from the standpoint of a man who lives under the floods which come down.

Mr. MURRAY. I wish to say to the Senator that my interest in this problem has not been stimulated by reading any editorials. I live in Montana, and have lived there for nearly half a century, and I know this problem. I know how it affects Montana, and I know how it affects the lower valley States, too, and I am in sympathy with working out a program for this problem so that it will benefit not only Montana and Missouri and the other States, but the whole country.

Mr. CLARK of Missouri. But the Senator from Montana insists not only on working out a flood-control program, but also on imposing a supergovernment on us, to which a great many people in Missouri are opposed.

Mr. MURRAY. The theory of working it out from the standpoint of flood control alone has failed, and it has failed continually for many years. This piecemeal effort to handle this problem will never succeed. That is the judgment and opinion of the best engineers and the best students of the problem all over the United States today. If Senators will take notice, all over the country people are beginning to discuss this subject, and demand that we have a program which will not only handle the actual construction of these dams but will handle the other problems which are incidental to the development of these basins, and without that we are not going to be able to meet the problems which will be upon us at the end of this war. If we are to find jobs for the millions of workers who will be compelled to hunt for jobs when the war ends, we have to have a program which will enable us to develop the resources of these Western States—these valleys—which have tremendous resources, and have a basis for settling millions of new settlers in that section of the country. We cannot further expand industry in the East, where it is already overdeveloped. We will have to come out to this area, where we can bring in millions of new settlers, and develop it.

There is a beautiful map here on the wall—a very alluring thing to look at—but the projects are not engineered, and this agreement, which has been signed by the Army engineers and the Bureau

of Reclamation, shows that they have not been engineered. But the effort is to enact legislation, and go into the engineering problems afterward.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. MURRAY. I yield.

Mr. OVERTON. Does not the Senator understand that after any project is authorized, whether it be under the War Department, or should, perchance, be one connected with the Bureau of Reclamation work, detailed plans and specifications are prepared?

Mr. MURRAY. Yes.

Mr. OVERTON. In the further study it frequently becomes necessary, as an engineering proposition, to make modifications so as to come nearer perfection and improve the project.

That is especially true with reference to basins. I do not think we have ever authorized the development of any basin or project and at the same time have not given authority to the Chief of Engineers to make such modifications as in his discretion are deemed reasonable. Those are minor modifications which come up in detailed study of plans and after further investigation. If a Missouri River authority were established and it would undertake to fix upon a project without any modifications it would reduce itself to an absurdity.

I will give the Senator an example. There was under consideration the construction of what is now known as the Kentucky Dam. The T. V. A. had intended to build that dam at one place on the river. The evidence first adduced showed that, as the dam was to be administered by the T. V. A., the place chosen by the T. V. A. was the proper place to construct the dam. Further investigation showed that that was not the proper place to construct it, that it should be constructed farther down the river. It was found on further investigation that safe foundations could not be constructed at the point originally designated for the location of the Kentucky Dam, so modifications were made and the dam was located further down the river. That is true also with respect to other dams in the T. V. A. system. I am quite sure that is true. The Senator from Tennessee [Mr. McKELLAR] is not present at the moment to verify my statement. I do not think there is any doubt, however, about the truth of the statement. Modifications must be made wherever necessary, and I think it would be a very unsound thing for the Congress to authorize the development of any basin and not give authority to those entrusted with the development to make such minor modifications as may be necessary.

Mr. MURRAY. No one is criticizing the need for minor modifications. That is not what I am discussing.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. MURRAY. Yes; I yield.

Mr. LANGER. May I call the attention of the distinguished Senator from Louisiana to the fact that on the 18th day of August, 3 months ago, the junior Senator from Montana [Mr. MURRAY] discussed the M. V. A. in detail upon the floor of the Senate. He at that time

talked for over an hour and a half on the subject. At that time he said that this is an over-all proposition; that it involves flood control, that it involves irrigation, and that it involves power, and that before any legislation were enacted the Senator from Montana intended to be heard upon the matter on the floor of the Senate. That, as I understand it, has been the attitude of the distinguished junior Senator from Montana. Am I not correct in that statement?

Mr. MURRAY. The Senator is correct in his statement.

Mr. LANGER. The Senator from Montana went into the minutest detail in his discussion on the floor of the Senate.

Mr. OVERTON. Certainly he did. That was his own testimony, and he was speaking to his own bill, and not to an amendment to the pending bill.

Mr. LANGER. But that was done 3 months ago.

Mr. OVERTON. Certainly it was.

Mr. LANGER. So certainly the Senator from Louisiana cannot say that he is taken by surprise now, and that we are not acting in good faith when we now offer the amendment dealing with the M. V. A.

Mr. OVERTON. I do not charge Senators with any bad faith, but I do think it is wholly unsound and wholly unreasonable to offer such important legislation as a proposal to establish an authority to regulate the whole Missouri Basin, which stretches miles upon miles over the country, and goes through State after State, without any evidence being presented, and simply to accept the proposal on the ipse dixit of the Senator from Montana and the Senator from North Dakota.

Mr. MURRAY. Mr. President, in reply to that, I may say to the Senator from Louisiana that all over the country people are expressing alarm at his action in seeking to force this legislation through the Senate at this time. I read an editorial in the Washington Post day before yesterday in which was pointed out the viciousness of the proposed legislation and the fact that it was unnecessary.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. MURRAY. I yield.

Mr. CLARK of Missouri. The Senator has not heard anyone deny that exhaustive hearings have been held by the Subcommittee on Rivers and Harbors and the Subcommittee on Flood Control of the Commerce Committee, that everyone was afforded the fullest opportunity to appear before the subcommittees, that a very large number of witnesses did appear before the committees, and that the matter received the fullest consideration by those subcommittees and also by the full committees.

Mr. LANGER. Mr. President, will the Senator yield for a question?

Mr. CLARK of Missouri. As I said, I never saw the Senator from Montana or the Senator from North Dakota before either the subcommittees or the full committee.

Mr. MURRAY. But after all these exhaustive hearings which were had and

the full consideration which was given, the members of the committee did not do anything about the matter.

Mr. CLARK of Missouri. The Senator from Montana thinks that he can go over to his office and hold a caucus with himself and make up his mind as to very much more improved legislation than the subcommittee and the full committee having jurisdiction of the subject could prepare.

Mr. MURRAY. Oh, no.

Mr. CLARK of Missouri. I am not in agreement with that view. I do not think there is anything innate in the distinguished Senator from Montana which permits him to lock himself up in his own office by himself, and possibly with a representative of the C. I. O.—

Mr. MURRAY. Well, now, just a minute.

Mr. CLARK of Missouri. And arrive at a conclusion that is better than that of the Commerce Committee.

Mr. MURRAY. I should like to ask the Senator where he got this notion that I was locked up in my office with a C. I. O. representative?

Mr. CLARK of Missouri. Mr. President, I got the notion from the fact that the Senator habitually introduces measures sponsored by the C. I. O.

Mr. MURRAY. The Senator is gravely mistaken about the Senator from Montana. I have not undertaken to introduce any legislation coming from the C. I. O. I never introduced a bill in the Senate of the United States since I have been here on behalf of the C. I. O. or after consultation with them on any subject whatever.

Mr. CLARK of Missouri. Mr. President—

Mr. MURRAY. Just a moment. I have the right to defend myself.

Mr. CLARK of Missouri. Mr. President, I apologize to the Senator from Montana.

Mr. MURRAY. I have the floor.

The PRESIDING OFFICER. The Senator from Montana declines to yield.

Mr. MURRAY. I have the floor. The Senator from Missouri has cast some aspersions upon me here, and I want to tell him that my record in the Senate is just as good as his, if not a little better in some respects, and I want to tell him that he has no right to stand up on the floor of the Senate and try to create the impression that I am an agent for the C. I. O. here. I am not. I have never introduced one bill since I have been in the Senate of the United States in which the C. I. O. was interested. I have never consulted them on the pending legislation. So that the Senator is entirely mistaken when he tries to create the impression here that I have been associated with or interested with the C. I. O. in connection with this legislation.

The Senator said that I locked myself up in my office and then undertook to determine for myself what kind of legislation we should have here. I have not done anything of the kind. The Senator told us here a few moments ago that a number of Senators from the West appeared before his committee here and they tried to advise the committee and assist the committee in working out leg-

islation, but the members of the committee did not work it out, they did not accept the suggestions of those who appeared before them. The Senator from Wyoming [Mr. O'MAHONEY] has a bill pending now—

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. MURRAY. I yield.

Mr. SHIPSTEAD. For the information of the Senate along the line the Senator is discussing now, I wish to say that the Senator from Vermont [Mr. AIKEN] and I went before the committee and asked to be heard on the subject of the St. Lawrence waterway. We could never obtain a hearing. The Senator from Louisiana would not give me a hearing if I did go there. The Senator would not give me a look-in anyway.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. MURRAY. I yield.

Mr. CLARK of Missouri. It is unquestionably a fact that the subcommittee of the Commerce Committee has been holding hearings on the St. Lawrence waterway for the last 3 days, is it not?

Mr. SHIPSTEAD. I do not know of it.

Mr. MURRAY. Secret hearings.

Mr. SHIPSTEAD. I never heard of it.

Mr. CLARK of Missouri. They have been holding hearings.

Mr. SHIPSTEAD. I never heard of it.

Mr. CLARK of Missouri. There is no question that they have been holding hearings. The Senator from Vermont—

Mr. MURRAY. No one was notified of them. I will ask the Senator from Vermont if that is not true?

Mr. AIKEN. Mr. President, I am sorry I did not hear the conversation.

Mr. CLARK of Missouri. The charge has been made here that the Commerce Committee refused to allow hearings on the St. Lawrence waterway. Is it not true that the subcommittee of the Committee on Commerce held three different hearings on the St. Lawrence waterway?

Mr. AIKEN. No; I did not understand that they held any hearings on the merits of the waterway. I think what the Senator refers to is what happened last spring, when the river and harbor bill came over from the House.

Mr. CLARK of Missouri. Did they not have a hearing this morning?

Mr. AIKEN. I do not know whether they did. I am not on the committee.

Mr. CLARK of Missouri. Was not the Senator notified?

Mr. AIKEN. No.

Mr. CLARK of Missouri. Was he not notified day before yesterday?

Mr. AIKEN. No.

Mr. OVERTON. Mr. President, during my temporary absence from the Chamber I am advised the question was asked what notice was given of the hearings on the St. Lawrence seaway. When the hearings were contemplated I wrote a letter to the members of the subcommittee stating I was going to call a meeting of the subcommittee for the purpose of determining when hearings would be

conducted and what would be the preliminary scope of those hearings.

I suggested to the members of the subcommittee that we begin hearings on the following Monday—that was Monday of this week—November 20, and that the hearings be confined to the preliminary, fundamental, and paramount question as to whether the arrangement between the Dominion of Canada and the United States of America is a treaty or an executive agreement—in other words, whether it is an instrument requiring ratification by a two-thirds vote of the Senate, or whether it could be ratified by a majority vote of both Houses. I sent a copy of that notice to the Senator from Vermont, the author of the bill, and also to others who were interested in the matter.

When the subcommittee met it determined to begin hearings; not on Monday, but on Tuesday, November 21, and to confine the hearings to the question whether or not the arrangement is a treaty or an executive agreement. I promptly notified the Senator from Vermont, the author of the bill, that hearings would be begun in the rooms of the Senate Committee on Commerce, and invited him to attend the hearings. I explained to him exactly what the scope of the hearings would be, and told him in effect that we would be very glad to hear any statement which he might desire to make.

The Senator from Vermont did not answer the courteous invitation which I extended to him, but the other day he took the floor of the Senate and stated that he had received the invitation, but did not propose to attend. Therefore the Senator from Vermont has had notice. We had hearings on Tuesday and Wednesday. Thursday was Thanksgiving Day. This morning, because of the absence of two witnesses whom we expected to have on the stand, there were no witnesses to testify, and we took a recess until Monday. That is the status. Notices were given in the press as to the hearings, and the scope of the hearings. The intimation of concealment on the part of the Senate Committee on Commerce is wrong, both with reference to the river and harbor bill and the flood-control bill, as well as the St. Lawrence seaway. There has never been any concealment. I gave notice on the floor of the Senate as to the time of the hearings and the schedule of hearings, project by project, both as to the river and harbor bill and the flood-control bill. I gave a notice twice or possibly three times. I called in representatives of the press and gave them the notices, and the press published the notices.

With respect to the St. Lawrence seaway, notices were given in the press. Those notices were issued before the Senate was in session, and therefore I could not give notice on the floor, but I notified the author of the bill, as well as others interested, who I thought might wish to testify. I notified the State Department and the Department of Justice. I also notified the representatives of those who oppose the St. Lawrence seaway.

Mr. MURRAY obtained the floor.

Mr. AIKEN. Mr. President, will the Senator from Montana yield to me long enough to make an explanation of the matter which has been brought up?

Mr. MURRAY. I yield.

Mr. AIKEN. I hope I shall not be interrupted before I have finished.

First, there is the question of the Committee on Commerce refusing last spring to hear the proponents of the St. Lawrence seaway, when the Senator from Minnesota [Mr. SHIPSTEAD] and I visited the Committee on Commerce. The river and harbor bill had come over from the House. Hearings were announced by the Committee on Commerce. After they were announced I read—I believe in a schedule sent out by the Senator from Louisiana—that 2 days would be devoted to the Tombigbee waterway, which was not in the bill when it came over from the House. So long as there was a proposal to add this southern waterway to the bill, it occurred to me that it would be entirely apropos to add the St. Lawrence seaway project also. So I asked the chairman of the Committee on Commerce if he would give us an equal amount of time to present the merits of the St. Lawrence seaway project. He declined to do so.

One day the Senator from Minnesota and I visited the committee while it was in session. The official reporter took down the statement which I made. I asked the Senator from Louisiana if he would give us 1 hour to present the merits of the St. Lawrence seaway project, with the idea of offering it as an amendment to the river and harbor bill, and he refused to give us 1 hour.

Mr. OVERTON. Mr. President, will the Senator yield to me for the purpose of correcting the Record?

Mr. AIKEN. No; I will not yield. I wish to finish.

The Senator from Louisiana, however, did say, along about that time, in April, that he would hold hearings on the St. Lawrence seaway bill. He so stated on the floor of the Senate. He met me at various places and assured me that he would hold such hearings without delay just as quickly as he could finish with the river and harbor bill.

The committee finished with the flood-control bill first, I believe, and with the river and harbor bill in June. No time was set for hearings on the St. Lawrence seaway. We took a recess in July. The Senator had told me that he would start hearings as quickly as possible after we came back. I believe we came back about the 1st of August. In the meantime, Mr. President, he had engaged in a primary campaign. I had no inclination to hinder his work in that campaign, so I did not press him for hearings at that time, feeling sure that as soon as the Louisiana primaries were over, on the 12th of September, he would proceed with hearings on the St. Lawrence seaway project, and that it might be possible to obtain action on it at this session of Congress.

However, about the time the campaign was finished I received a copy of a page from the New Orleans Times-Picayune of Sunday, September 10, 1944. It is a full-

page paid advertisement, which I hold in my hand, in behalf of the senior Senator from Louisiana. I shall read it again. I read it the other day, and I shall read it as often as it necessary, as often as the question is raised.

In one part of the advertisement we find the heading "Opposes St. Lawrence Seaway." I read:

OPPOSES ST. LAWRENCE SEAWAY

With JOHN H. OVERTON in the Senate Louisiana and the South need have no fear that the freight traffic that justly should pass through our ports will be diverted by greedy combinations and unfair legislation to the so-called St. Lawrence seaway.

THREAT TO NEW ORLEANS

New Orleans knows that the proposed St. Lawrence channel is a threat to the export and import business that means so much to the Crescent City. The proposal means that hundreds of millions of taxpayers' dollars will be spent to make an artificial sea channel through the ice-bound North to carry freight to the eastern seaboard that now more easily and economically moves down the great Mississippi through New Orleans. The proposal is doubly unfair because Federal taxes levied on Louisiana would be used to destroy Louisiana commerce.

OVERTON STOPS PROJECT

Senator JOHN H. OVERTON has successfully prevented the passage of this measure, because he is chairman of the Senate special committee in charge of legislation concerning the St. Lawrence seaway. Senator OVERTON declared his opposition to this visionary scheme when the chairmanship was tendered him, but his colleagues in the Senate, knowing his thoroughness and uprightness, insisted that he accept the appointment. This compliment to JOHN H. OVERTON's character has hardly been surpassed in the annals of the American Congress. The compliment to Louisiana should not be lightly tossed aside. But more than that, if JOHN H. OVERTON does not return to the Senate, into whose hands would this project fall?

Today JOHN H. OVERTON is the stalwart and successful defender of Louisiana's rights. Louisiana must return him to the Senate.

In another column of the advertisement his opposition to the seaway is reiterated. In still another column it is stated that the Senator from Louisiana can get appropriations. It tells about all the money he can get for Louisiana through the flood-control and river-and-harbor program. I quote:

Senator OVERTON is one of the senior majority members of the Senate Appropriations Committee, and from this committee will come the legislation appropriating the money to pay for the deep-water channel.

These two committee positions, so important right now to New Orleans, will be lost to the city and to Louisiana should Senator OVERTON not be reelected.

NEW ORLEANS NEEDS OVERTON

Because New Orleans needs Senator JOHN H. OVERTON's influence and prestige in the Senate and because he will handle the deep-water-channel legislation are only two among many reasons why every loyal citizen of New Orleans and of the State should vote for Senator OVERTON's reelection on September 12.

New Orleans' one great hope for a deep-sea channel lies in the reelection of Senator JOHN H. OVERTON.

That is from the paid advertisement I have been reading.

After that I received many clippings from Louisiana newspapers. I should like to read several of them. One is from the Shreveport Times for August 9, 1944. It is a report regarding a radio address made by the Senator from Louisiana [Mr. OVERTON] from Washington, D. C., on August 8, 1944. I quote from the newspaper clipping:

The Louisiana Senator spoke by radio from the Capital, where he has been attending to official business of the Senate.

Senator OVERTON pointed out that he began his career as a Member of Congress in the House of Representatives in 1931, serving then on the House Flood Control Committee, and then went on to the United States Senate, where he now occupies such important and key posts as chairman of the Subcommittee on Flood Control, of the Subcommittee on Rivers and Harbors, of the Subcommittee on the St. Lawrence Seaway (which he is fighting vigorously as inimical to southern business interests), of the Subcommittee on Navy Appropriations, ranking majority member of the Army Appropriations Committee, chairman of the Manufacturers' Committee, etc.

I have many other similar clippings from newspapers.

Here is another one which I should like to read. It comes from the Alexandria Daily Town Talk for Wednesday, August 9, 1944, and is a dispatch by the Associated Press:

WASHINGTON, August 9.—Senator JOHN H. OVERTON made the third of a series of campaign addresses to his Louisiana constituents last night, asking reelection and reviewing flood-control work and rivers and harbors developments authorized by Congress during the 12 years he has been in the Senate.

"If I were to leave the Senate, who from Louisiana would be able to continue where I left off?" OVERTON asked in a speech for radio broadcast in his native State. "Who would be chairman of the Flood Control and Rivers and Harbors Committees?"

OVERTON said that the general plan of flood control on the Mississippi "has been authorized and is being executed. It remains, however, for necessary appropriations to be made annually by Congress to complete and keep in shipshape this great engineering work," he added.

"Fortunately, I am in a position to get these appropriations," he said. "I am a member of the Appropriations Committee of the Senate and the ranking majority member of the War Department Appropriations Subcommittee, which recommends all allocations to be made for flood control and river and harbor work."

FLOOD-CONTROL WORK

OVERTON said that Congress had appropriated \$19,000,000 for the fiscal year 1944 and \$26,000,000 for fiscal 1945 for flood-control work on the lower Mississippi Valley, but that "only a token payment of \$100" has been allotted for "all flood-control work outside of the Mississippi Valley."

In the light of all that, Mr. President, it seems to me that I can be excused if I was a little skeptical by that time as to the intention of the Senator from Louisiana to give fair hearings to the St. Lawrence project. One of the dispatches was dated August 2, about the time when we were going to hold hearings. The Senator from Louisiana pledged himself time and again, to his constituents, to defeat the St. Lawrence

project. In the full-page advertisement it is said—

In offering for reelection, Senator OVERTON stated, "My platform will be the record of my service and the promise that such a record holds in the future. Upon that platform I submit my candidacy to all the people and all the factions of Louisiana."

Mr. President, it seems to me that anyone would have been justified in being skeptical. I do not mind his expressions as much as I do his going home to Louisiana and bragging about it. It seems to me that is adding insult to injury, to say the least.

As to the hearings which are now being held, after the committee has had the bill for 14 months, let me say that in the first place I attempted to have the bill referred to the Committee on Foreign Relations, but I could not succeed in having that done. However, now, after the Commerce Committee has held the bill for 14 months, it suddenly challenges its own right to the bill of which it has held possession all the time. It announced that it will hold a hearing to determine whether the President's message and the contract between the United States and Canada should have been submitted to the Senate as a treaty or as an agreement.

It appeared to me, Mr. President, that the chairman of the committee was challenging the State Department. Nothing was to be said at the hearing on the merits of the St. Lawrence seaway itself, but simply on the method which the President could use to get the contract approved. The Senator from Louisiana did write me a letter announcing that the hearing would be held. He said witnesses would be restricted to authorities on constitutional law. The State Department will have one, I understand, and I understand that the public utility companies also have a witness waiting to testify. The Senator told me the committee would be glad to have any statement I would like to make. I do not pose as an expert in any degree on constitutional law. I did not see anything to be gained by entering into the dispute between the Commerce Committee and the State Department. Furthermore, I did not see anything to be gained by my appearance before the committee; I felt that any appearance before the committee would be futile, inasmuch as a majority of the committee told the press they believed it should be a treaty, not an agreement, and they made that statement before they had heard a single word of testimony.

Mr. CLARK of Missouri. Mr. President—

The PRESIDING OFFICER (Mr. McCLELLAN in the chair). The Senator from Missouri.

Mr. OVERTON. Mr. President—

Mr. CLARK of Missouri. I yield to the Senator from Louisiana.

Mr. MURRAY. Mr. President, I have the floor.

Mr. CLARK of Missouri. Mr. President, the Senator from Montana lost the floor by sitting down for 14 minutes while the Senator from Vermont read a dia-

tribe attacking the Senator from Louisiana. The Senator from Montana absolutely lost the floor by taking his seat and retaining it until he heard me get up and request recognition and, after being recognized, yield to the Senator from Louisiana. I maintain that the Senator from Montana lost the floor by sitting down while the Senator from Vermont read the diatribe attacking the Senator from Louisiana.

I am glad to yield—

Mr. MURRAY. Mr. President, let me make an explanation. The Senator from Louisiana desires to reply to the Senator from Vermont, and I had consented to have—

Mr. CLARK of Missouri. I do not need the consent of the Senator from Montana. I shall be glad to yield to the Senator from Louisiana, but I will not yield to the Senator from Montana.

Mr. MURRAY. If the Senator from Missouri is the dominant figure in that committee, I can understand how the kind of bill the Senator is now supporting has been brought from the committee.

Mr. CLARK of Missouri. I object to personal references by the Senator from Montana. I can take care of a matter of that kind in my own time.

Mr. MURRAY. The Senator from Missouri started the personal references.

Mr. CLARK of Missouri. I object very seriously, Mr. President, to having the Senator from Montana take the floor after he has lost it.

I shall be glad to yield to the Senator from Louisiana.

Mr. MURRAY. Mr. President, I desire to have a ruling from the Chair.

The PRESIDING OFFICER. The Chair will state that the situation is that the Senator from Montana had the floor and yielded to the Senator from Vermont, and then took his seat. The Chair did not know whether the Senator from Montana was yielding the floor.

Mr. MURRAY. No, Mr. President; I did not take my seat. I leaned against the seat for a few minutes.

Mr. CLARK of Missouri. Mr. President, that is the most ridiculous proposition I ever heard.

Mr. MURRAY. Mr. President, now I can understand the situation regarding the bill the Senator got from the committee.

Mr. CLARK of Missouri. I object to having the Senator speak out of order.

The PRESIDING OFFICER. The Chair will state that at the time when recognition was requested by the Senator from Missouri, the Chair thought he recognized that the Senator from Montana was occupying his seat. The Chair stated that the Senator from Missouri would be recognized as the next speaker. The Chair assumed that the Senator from Montana had yielded the floor.

The Chair now recognizes the Senator from Missouri.

Mr. CLARK of Missouri. Mr. President, assuming that it may be agreed that the Senator from Louisiana [Mr. OVERTON] may be recognized, since personal attack has been made on him, and

since he is entitled to answer that attack, I ask unanimous consent that I may be permitted to yield the floor to the Senator from Louisiana so that he may answer the personal attack made on him by the Senator from Vermont.

Mr. OVERTON. Mr. President, if the Senator will yield to me, I will answer.

The PRESIDING OFFICER. If the Senator from Missouri yields the floor, the Chair will be glad to recognize the Senator from Louisiana.

Mr. CLARK of Missouri. No; I will not yield the floor. I will be glad to yield to the Senator from Louisiana.

Mr. OVERTON. Mr. President, if the Senator from Missouri will permit me, and without engaging in a debate as to who has or who has not the floor, I should like to make an inquiry of my friend, the Senator from Missouri.

Mr. HATCH. Mr. President, a parliamentary inquiry.

Mr. OVERTON. I was about to say—

The PRESIDING OFFICER. The Chair wishes to entertain the parliamentary inquiry. The Senator from New Mexico has asked to make a parliamentary inquiry. The Senator will state it.

Mr. OVERTON. The Chair has recognized the Senator from Missouri as having the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Missouri as having the floor, but when the Senator from New Mexico [Mr. HATCH] made a parliamentary inquiry the Chair wished to recognize him for that purpose.

Mr. HATCH. Mr. President, I withdraw my parliamentary inquiry. [Laughter.]

Mr. CLARK of Missouri. Mr. President, I yielded to the Senator from Louisiana in order that he might ask a question.

Mr. OVERTON. Mr. President, I should like to proceed without interruption.

I am somewhat surprised that any Member of this body should undertake to place me in a false light before the Members of the Senate and before the country, and that unpardonably he should do so without adhering to the facts. I have always undertaken to treat the Senator from Vermont, as well as other Senators, with proper respect. I hope I shall always be able to do so, and that I shall not be provoked into departing from what I believe to be the duty and high standard of a United States Senator.

It should be borne in mind that in either September or October of last year the Senator from Vermont [Mr. AIKEN] introduced a bill with reference to the St. Lawrence seaway. I am sure it was more than a year ago. No further effort was made with regard to it for quite some time.

I was notified by the Senator from North Carolina [Mr. BAILEY], who is chairman of the Senate Committee on Commerce, that I was to be appointed chairman of a subcommittee to handle the bill. When he requested me to act as chairman of the subcommittee I said to him, "I think it is only proper for me to say to you that I am opposed to the St. Lawrence seaway project." His

answer was that he desired me, nevertheless, to proceed as chairman of the subcommittee and to conduct hearings in due course. I believe that conversation took place in January. I have heretofore given the exact dates on the floor of the Senate and they appear in the CONGRESSIONAL RECORD.

Immediately following my selection as chairman I asked whether any departmental reports had been received. I could have proceeded with the hearings at that time if the departmental reports had been filed. I was advised that no reports whatever had been submitted. Approximately each work week thereafter—my recollection has been confirmed by the deputy clerk of the Senate Committee on Commerce—I asked whether there had been any departmental reports submitted and I was advised that there had been none.

The situation continued until about April, when the Senator from Vermont [Mr. AIKEN] apparently awoke to the realization that he had introduced a bill undertaking to implement the arrangement which had been entered into between Canada and the United States. According to newspaper reports, he called upon His Excellency, the President of the United States. Also, according to newspaper reports, the President of the United States directed that all interested departments submit reports on the Aiken bill. Reports then began to come in. They came in pretty rapidly. All the reports which had been requested up to that time were submitted by the latter part of April.

In the meantime, however, the House had passed the river and harbor bill. I was chairman of the Subcommittee on Rivers and Harbors, and the bill to which I have referred was placed in my lap to handle. As I have said, it was a House-passed bill. I felt that it was my duty to take up the bill which had been passed by the House. It dealt with a multitude of projects which, at least collectively, would be of infinitely more value to the United States than would be the St. Lawrence seaway project.

For the reasons which I have stated I promptly directed hearings to be held on the river and harbor bill. I gave notice on the floor of the Senate of hearings to be held. I also gave notice through the press so that anyone having an interest in the matter could appear before the subcommittee.

I invite attention of the Senator from North Carolina [Mr. BAILEY], as well as other members of the subcommittee, to the statement which I am about to make because I differ with the Senator from Vermont in the statement which he has made.

In the midst of holding hearings by the subcommittee having charge of the river and harbor legislation the Senator from Vermont and the senior Senator from Minnesota [Mr. SHIPSTEAD] appeared before the subcommittee handling the river and harbor bill, and expressed a desire to be given a hearing, not on any amendment which had been proposed by the Senator from Vermont to the river and harbor bill but stating

that they desired a hearing on the separate bill dealing with the St. Lawrence seaway project.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. OVERTON. I refuse to yield because the Senator from Vermont refused to yield to me. Otherwise I should be glad to yield to him.

Mr. CLARK of Missouri. Mr. President, I have the floor. If the Senator from Louisiana wishes to reply to the Senator from Vermont I shall be glad to yield.

The PRESIDING OFFICER. Does the Senator from Missouri yield; and if so, to whom?

Mr. CLARK of Missouri. I do not yield to any Member unless the Senator from Louisiana is willing to be interrupted.

Mr. OVERTON. I do not wish to be interrupted.

Mr. MURRAY. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. MURRAY. The Senator from Missouri has lost the floor because he has been leaning on his desk for the last 15 minutes. [Laughter.]

Mr. CLARK of Missouri. Mr. President, I have been standing right here.

Mr. MURRAY. Mr. President, I invite attention to the fact that the Senator from Missouri was leaning against his desk.

Mr. CLARK of Missouri. I did not take my seat, and I understood the Senator from Louisiana desired to ask a question.

The PRESIDING OFFICER. The Senator from Missouri is standing, and he still retains the floor.

Mr. OVERTON. Mr. President, the request to which I have referred came to a subcommittee which had nothing to do with the Aiken bill. The subcommittee was the Subcommittee on Rivers and Harbors. Another subcommittee had been appointed to handle the Aiken bill.

The chairman of the Commerce Committee, the Senator from North Carolina [Mr. BAILEY], advised the Senator from Vermont [Mr. AIKEN] and the Senator from Minnesota [Mr. SHIPSTEAD] that the Rivers and Harbors Subcommittee had no jurisdiction over the Aiken bill, and that hearings would have to be conducted by the subcommittee which had been appointed to conduct such hearings. Thereupon the Senator from Vermont [Mr. AIKEN] very naively remarked that the chairman of both subcommittees was one and the same person, namely, my humble self. I replied that that was the only relationship existing between the two subcommittees. Mr. President, the Senator from Vermont did not ask me to do so, but if he had asked that I adjourn the hearings on the river and harbor bill and proceed with hearings on the St. Lawrence seaway bill I should have refused to do so. He said he could present his matter in an hour, which was doubtful, but at the same time there were countless other persons who were interested in the St. Lawrence project, either for or against it, who wished to be heard.

When hearings are held on the merit of the bill they will probably last for quite a number of days.

Mr. CLARK of Missouri. The Senator will recall that in 1934 the very same proposition was presented as a treaty, coming from the Committee on Foreign Relations, was debated for 8 weeks in this Chamber, and was afterwards defeated by a vote of the Senate. This is merely an attempt, in my opinion, a very cheap attempt to do by indirection what could not be done by direction, to put it in as a measure which could be voted on by the Committee on Commerce, and would not require the vote necessary for ratification of a treaty, which was required when it was last presented in the Senate.

Mr. OVERTON. I thank the Senator for his observation. The Senator from Vermont has made the statement that I repeatedly made promises of hearings. I said nothing to him in conversation about conducting hearings on the St. Lawrence seaway, which I did not say here upon the floor of the Senate. He brought the matter up on one or two occasions, and I stated exactly what I was going to do, and it is to be found in the RECORD, that when I got through with the river and harbor and flood control bills I would take up the St. Lawrence bill. I did not go further than that, and could not go further than that.

The Senator has stated this afternoon that I was involved in a primary election, and therefore I went home to look after my candidacy. That is true. Then he said he expected me immediately after the primary election to return to Washington to conduct hearings on the St. Lawrence seaway. My primary was on September 12. There would have been no chance on God's green earth to assemble the members of the subcommittee here during the recess of the Congress, and on the eve of the general national election. No quorum could be obtained until after the general election had been held, and everyone knows that.

Mr. President, I returned to Washington before November 14, and I came back here for the purpose of initiating hearings on the St. Lawrence seaway, as well as for other purposes. I proceeded to it very promptly, when I thought I could get a quorum of the subcommittee, and later on a quorum of the full committee. I did it, I repeat, very promptly, even before Congress has reconvened, and gave notice that on last Monday the hearings would begin.

Mr. President, I think those who know me and have a just regard for me would not think that I had made any statement, in any campaign or otherwise, that I would take advantage of any trust imposed in me by the Congress of the United States. If there be those who, through enmity, do not entertain such a regard for me, I do not care what they think about me.

The only statements I made in my campaign concerning the St. Lawrence seaway and in reference to flood control are contained in my own broadcasts. I did state, as everyone knows, that I was opposed to the St. Lawrence seaway. I

so stated to the chairman when he appointed me chairman of the subcommittee. I made a fight against it here in 1934.

I never made the statement at any time that I had been delaying hearings on the St. Lawrence seaway in order to defeat it. I said that I was opposed to it, and that I would do what I could toward defeating it. I have a right to an opinion. The fact that I am chairman of a subcommittee does not deprive me of my right to an opinion. Chairmen of full committees and chairmen of subcommittees are constantly expressing their opinions, and I have as much right to an opinion as has the author of the bill as to the merits or demerits of the St. Lawrence seaway.

Two days before the primary election, which occurred on September 12, there were some very enthusiastic friends of mine—and I appreciate their warm friendship—who did insert in the Times-Picayune a full-page advertisement, the Times-Picayune being a paper published in the city of New Orleans. The advertisement was entitled "Congress in Action," a beautiful headline, and it contained very laudatory comments about me. I was not the author of these eulogies. It was prepared by friends of mine, and I really do not know, outside of one or two whom I have since found out about, who were instrumental in getting up this full-page advertisement and inserting it in the Times-Picayune in reference to my candidacy.

The statements made by my overenthusiastic friends in order to get the votes of the people of the city of New Orleans in behalf of my candidacy, that I was going to do everything I could as chairman of the subcommittee to prevent hearings on the St. Lawrence seaway, that I proposed to defeat it, and whatever they did say, as has been read by the Senator from Vermont, were gross exaggerations, that is all.

What I said in my campaign in reference to the St. Lawrence seaway is all down in writing, because I made no campaign speeches except those that were made in State-wide broadcasts and, as usual, as is necessary, in fact, in order to make radio broadcasts, one's speech must be reduced to writing, and mine were all reduced to writing, and reproductions of them can be obtained at Station KWKH in Shreveport, out of which they originated and from which they were carried throughout the State of Louisiana. They could be reproduced in my own voice or the manuscripts I forwarded them can be presented to the Senator from Vermont or anybody else who has the curiosity to read them.

Mr. President, I wish to emphasize that I did not at any time make any statement that I was going to take advantage of my position as chairman of the subcommittee to thwart consideration of the St. Lawrence seaway. I propose to fight it; certainly I do. I am going to fight it in subcommittee, in full committee, and on the floor of the Senate, and I have a right to do that.

In reference to flood-control appropriations, I did make the statement that the Congress had appropriated some fifteen to twenty million dollars last year for flood control on the lower Mississippi, and so many millions the year before, and all during the war period. But it made those appropriations on recommendations made by the Bureau of the Budget. The appropriations were carried in the bill as it passed the House, and it came to the Senate without any controversy in the Senate Committee on Appropriations. Likewise, under Budget recommendations, there was a nominal sum, a token appropriation, of \$100, made for flood control generally throughout the United States. That was done, not by any Senate amendment, not by any action of mine, but it was done in the House of Representatives, and was incorporated in the bill as it passed the House and came to the Senate without any controversy in the Senate whatsoever, and I had nothing whatsoever to do about the appropriation.

Mr. CLARK of Missouri. Mr. President, before the Senator takes his seat, I should like to call his attention to the fact that I did not yield to him for a speech, but for a question, and I presume he has been leading up to the question. I hope before he takes his seat he will conform to the Senate's practice by asking me the question.

Mr. OVERTON. Indeed I will ask the Senator a question. I should like to know whether he is enjoying the best of health. I hope he is.

Mr. CLARK of Missouri. I certainly am.

Mr. OVERTON. Mr. President, if any fault is to be found about delay in the consideration of the St. Lawrence seaway, that fault is to be laid on shoulders other than mine. I think it was in 1941—I do not remember exactly—when the President sent the St. Lawrence agreement to the Congress. The Senate of the United States did nothing about it. There was none so poor in the Senate as to do it reverence by the introduction of a bill implementing it. It was an administration measure and it was sent to Congress as such.

Lo and behold, suddenly there was an awakening on the part of one Senator. It did not come from the Democratic side of the aisle, but from over on the other side of the aisle. The Senator from Vermont [Mr. AIKEN], a Republican, offered the bill to implement the administration-conceived compact between Canada and the United States. When he offered it he let it lie there. Is he blaming me because I did not offer a bill implementing it when I was opposed to it? But after he offered the bill he let it lie until after the department reports came in, and I took up the bill to examine it. It was pulled out of a pigeonhole. It was all covered with dust; cobwebs were all over it. It was a musty old bill that had lain there neglected by its own father.

But now suddenly there is a great revival of interest on the part of the Senator from Vermont, a tremendous urge to get this bill through, so much so that he

wants Rivers and Harbors Committee meetings to be stopped. He wants the river and harbor bill to be thrown out of the window. He wants flood-control hearings to be stopped in order that his own bill, which had lain so long neglected by him, by the President of the United States, and by all of the Government departments, can be brought to the Senate floor and shot through the Congress. He is now like a hen with one chick, tremendously interested in his one bill, and I say that without any reflection at all upon him, but simply to give emphasis to his suddenly awakened maternal interest in his long-neglected chick.

Very well; I will go along as quickly as it is humanly possible to consider the St. Lawrence seaway bill. When I say humanly possible I must respond to my other responsibilities in the Senate, and I want to get rid of the river and harbor bill, and I want to get rid of the flood-control bill before there is any report to be made on the St. Lawrence seaway. That is my view of it.

Mr. CLARK of Missouri. Mr. President, I wish to make a statement. Excuse me, I thought the Senator had concluded.

Mr. OVERTON. Yes; but I should like to proceed for a moment if the Senator will permit.

Mr. CLARK of Missouri. Yes; I will be glad to.

Mr. OVERTON. On the question of fact arising between the Senator from Vermont and myself I wish to ask the Senator from North Carolina whether my statement as to what occurred is or is not correct.

Mr. CLARK of Missouri. I shall be glad to yield to the Senator from North Carolina for a question.

Mr. BAILEY. The statement which the Senator from Louisiana has made with reference to the appearance of the Senator from Vermont and the Senator from Minnesota [Mr. SHIPSTEAD] before the Subcommittee on Rivers and Harbors is absolutely correct. I was there and participated in giving the information which was necessary. They had asked us to consider the St. Lawrence seaway proposition, now known as the Aiken bill, while we were considering the river and harbor bill as it come over from the House. The St. Lawrence seaway bill was an entirely separate bill. It was not offered as an amendment. Meantime the subcommittee on the St. Lawrence seaway bill, that is, the Aiken bill, had been appointed. So the Senators were informed that our subcommittee then sitting, that is, the Subcommittee on Rivers and Harbors of the Commerce Committee, had no jurisdiction. I thought that settled it. I did not have the slightest impression that anyone was offended. I thought the two Senators, when apprised of the situation, were perfectly satisfied.

Now it seems that the matter of delay has been brought up here. There has been delay in connection with the consideration of the St. Lawrence seaway, but the delay is not due to the Committee on Commerce nor is it due to the sub-

committee of the Committee on Commerce. I think it may be well for me to state that there is a fixed rule in the Committee on Commerce. I do not have to apply the rule every time a bill comes up, but the clerk is instructed that whenever any bill comes up with which any department of the Government has to do, the bill is at once sent to that department of government for its advice. We never bring a bill to the floor and never bring a bill before the committee until we have heard from the department concerned. That rule was followed in this case. But it happened to be that a great many departments were interested in the matter. I must say I do not know how many such departments there were.

This procedure was followed: I think about 2 weeks or 10 days after the bill came to the committee it was sent to the Department of State. We asked for the advice of the Secretary of State. I think we received some advice about 7 months later. I think the request was made in September, and the advice came in April. But in that matter I am going by the record which was printed by the Senator from Louisiana. It happened, however, that there were other departments—the War Department, the Navy Department, and the Department of Commerce, and I think even other departments—I will not undertake to say how many—which were interested in the subject. They took their time, and I had to write the second time to several of them and tell them we would like to have their views.

Mr. President, it may be news to some, but in the Commerce Committee I proceed on the thoroughgoing understanding that this is a Government of coordinated powers. When we receive a bill we send it to the department concerned in order to coordinate. I believe I can also say that since the day when I succeeded Senator Copeland, my late lamented friend, as chairman of the committee—and that was in 1933, or a little more than 6 years ago—there never has been a bill delayed in the Commerce Committee. Such a thing as pigeonholing a bill never occurred to me. If I do not like a bill I consider it my duty to have the committee pass on it. I believe we keep current, certainly within 30 days of winding up the calendar at all times. The idea that any subcommittee chairman or the chairman of the committee could suppress a bill there is totally abhorrent to me. The bills are brought out. They are referred to subcommittees. We have standing subcommittees. If a subcommittee does not report within 30 days, I request to know why. So there has been nothing whatever to justify the insinuation made here or the suspicions which have been uttered.

I wish to say another word. I requested the Senator from Louisiana [Mr. OVERTON] to serve as chairman of the committee on the St. Lawrence seaway. I had theretofore requested him to serve as chairman of the Subcommittee on Rivers and Harbors and also as chairman of the Subcommittee on Flood Con-

trol. That was considerable responsibility to repose in one man, but I did not do it to compliment him. I did not do it out of any sense of favoritism, either. I did so because I consider him one of the most elevated men I have ever known. Furthermore, he is a very excellent lawyer; and, in addition, ever since he has been in the Senate he has made a specialty of river and harbor, flood control, and seaway matters.

I did it also because I have never known a more diligent worker than the Senator from Louisiana. I really felt ashamed of myself last summer. I saw him conducting hearings day after day through the hot weather. He suggested to me that he intended to call the committee together in September to consider the St. Lawrence seaway, and he undertook to do so. We agreed on the date, which was to be about the 20th of September, but that was during the recess. I could not be present, and other Senators could not be present. We all know that the campaign was approaching. We all felt the need of rest. That is the summary. There has been absolutely no delay, and no intention to suppress anything. No one can find the slightest evidence of any delay on the part of the Senator from Louisiana. Such delay as we have had has been delay in receiving reports from the departments. Certainly I do not wish to bring a bill before the Senate and then apologize for not having the views of the departments most concerned.

I should like to say something further about the Senator from Louisiana. I read these campaign statements for the first time after the distinguished Senator from Vermont brought them forward. In the first place, we may say generally that anyone who takes campaign political advertisements seriously is in need of a guardian. I thought that was well understood in America.

However, I am willing to underwrite those statements. The Senator from Louisiana deserves the confidence of his fellow Senators, the praise of his constituents, and the gratitude of his country for his enormous and indefatigable labors. I deeply regret that he should be made the subject of an attack here. In June he received from the Democratic side of the Senate—I can understand why our friends across the aisle are under some inhibitions in a campaign—one of the greatest tributes of which I have ever known. I believe it has no parallel in the history of the Senate. He announced that he did not intend to run for the Senate again, and when he did so, 43 Senators signed a petition addressed to him urging him to run and saying that we needed him in the Senate. I do not think the petition was circulated across the aisle, not because members of the opposition party would not have been willing to sign it, but because it is a very difficult thing to ask. I think it would be improper to ask a member of the Republican Party to support a Democrat, even in Louisiana, where we know that the nomination

amounts to an election. If the petition had been circulated throughout the Senate, I believe that it would have received 80 or 90, or perhaps even 95 signatures.

There he stands. He has lived and worked with us all these years. He has worked alongside me in the Committee on Commerce day after day and year after year. I wish to say to him that he should not be disturbed. The foundations of our respect and confidence are not to be taken away by the pride of a rooster, or even an old hen carrying around a little chicken.

I like to think sometimes about the deeper things. Men do build their characters and their lives on the rock, and the storms may come and the winds may blow, but the house stands. Let me say to the Senator from Louisiana that the house of his character and the house of the high esteem in which he lives by our assent, will stand the tornadoes and hurricanes. He need not be troubled at the little superficial criticisms and quarrels which blow around the great rock. They are but fleeting breaths of the moment.

The great winds blow across the world. Today we breathe air which 3 days ago was in the South Pacific. Tomorrow we shall breathe air which crossed the Sahara Desert 4 days ago; and another day we shall be breathing air which comes from the Arctic. The great winds and hurricanes may come, and we may have local tornadoes; but it would require something more than the breath of suspicion, or the attack of a momentary and personal impatience, even to make the Senator from Louisiana aware that a breeze was stirring.

Mr. CLARK of Missouri. Mr. President, the illuminative questions asked me by the Senator from Louisiana and the Senator from North Carolina, which really do not require an answer, obviate the necessity of any statement on my part.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I shall be glad to yield the floor as soon as I yield to the Senator from Colorado, although I realize that I yield the floor when I yield to him.

Mr. MILLIKIN. I should like to ask the distinguished Senator to yield to me for the purpose of submitting a non-controversial amendment.

Mr. CLARK of Missouri. I am glad to yield for that purpose, and then I shall be glad to yield the floor.

Mr. MILLIKIN. On behalf of the distinguished senior Senator from Colorado [Mr. JOHNSON] and myself, I offer an amendment which I send to the desk and ask to have read.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 16, at the end of line 20, it is proposed to change the period to a colon and add the following: "Provided, That the project may be modified to include storage in reservoirs upstream from Trinidad if the Secretary of War and the Chief of Engineers

find such action advisable for flood control and in order to make more water readily available for agricultural and industrial uses without impairment of flood control for Trinidad."

Mr. MILLIKIN. Mr. President, the engineers have made a study—

Mr. OVERTON. Mr. President, is the Senator now offering that amendment?

Mr. MILLIKIN. I am offering it now because I understand that there will be no objection to it, and I wished to get it behind us.

Mr. OVERTON. There is an amendment ripe for action, namely, the committee amendment on page 4, after line 13. Has that amendment been acted upon?

The PRESIDING OFFICER. The Chair advises the Senator from Louisiana that that amendment is pending at this time.

Mr. OVERTON. I believe that all discussion is completed in reference to that amendment, and that all the Chair would need to do would be to put the question.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered on behalf of the committee, on page 4 after line 13.

The amendment was agreed to.

Mr. MILLIKIN. Mr. President, we have had a bad flood condition at Trinidad, and the engineers have devised what they think are preventive measures, which are largely confined to the city of Trinidad. When further studies are made it may seem advisable to build a dam or two which might also have irrigation significance upstream from Trinidad. As I understand, the amendment which I have offered would not increase the cost. It has the approval of the engineers, and I understand that the distinguished senior Senator from Louisiana will consent to the amendment.

Mr. OVERTON. Has the Senator a copy of the amendment? I have not had an opportunity to read it. Perhaps it would be better to have the amendment go over.

Mr. MILLIKIN. Very well.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. AIKEN. Mr. President, I had not intended to say anything further in reply to the Senator from Louisiana [Mr. OVERTON] and the Senator from North Carolina [Mr. BAILEY]. I did not understand that they said anything which refuted what I read. I read quotations from statements or addresses by the Senator from Louisiana himself.

However, in respect to one matter which was brought up, the Senator from Louisiana disagreed with me. That was the statement I have made, that I had asked for some time—an hour—before the Committee on Commerce for the purpose of offering the St. Lawrence seaway measure as an amendment to the river and harbor bill. The Senator from Louisiana disagrees with me, and he says I made no statement as to that. If the Senator from Minnesota were present, he would agree with me that we appeared

before the committee for the purpose of getting our request on the official record. The official reporter took it down, because several persons watched him take it down. Yet, when the report of the hearings came out, the statements I had made were not in the hearings. I think the only way to settle the question as to whether the Senator from Louisiana is right or whether I am right—and I think I am—would be to get the original notes of the reporter and have the exact statement printed in the Record, where all of us could see it.

One other thing which I would suggest is that the Senator from North Carolina submit to us, for the Record, the request he made of the various departments for report on the St. Lawrence bill, so that all of us may learn on what dates the requests were made. I realize that some of them came in late. But I realize that in April it was announced that all the reports were in, and 2 or 3 months later it was announced that there were some yet to come in. I wonder whether some of the requests were made after the others were made.

Mr. BAILEY. Mr. President, I think that may be true. We did not know how many departments were interested at first, and I am not prepared to say to just what departments we wrote. On the whole matter, the usual routine was followed. The bill came in. When a bill comes in, the clerk sends it to the department which we think is concerned. But if, later on, another department expresses a desire to be heard, we write to that department. No one is denied an opportunity to be heard. But I cannot tell when a bill first comes to the committee how many departments will desire to come before the committee regarding it.

My impression is that the Navy Department and the War Department were belated in letting us know they were interested. My impression was that the only departments interested were the Commerce Department and the State Department—the Secretary of State. But I would not be able to say how many departments answered.

However, if the Senator wishes to go to the committee room and see the record, he will be welcome to do so.

Mr. AIKEN. In view of the Senator's statement that the requests very likely were made from time to time of the various departments, I withdraw any request I made that the letters be presented.

Mr. BURTON. Mr. President, I call up a noncontroversial amendment relating to Leatherwood Creek, Ohio.

The PRESIDING OFFICER. The amendment will be stated.

Mr. BURTON. As I have said, Mr. President, there is nothing controversial about the amendment.

The CHIEF CLERK. On page 38, between lines 11 and 12, it is proposed to insert the following:

Leatherwood Creek, Ohio, with particular reference to flood control and water supply for Cambridge, Ohio.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Ohio. The amendment was agreed to.

EXECUTIVE SESSION

Mr. OVERTON. Mr. President, it is apparent that we can accomplish very little more, if anything, this evening; and the hour is now late. Therefore I move that the Senate proceed to consider executive business.

The motion was agreed to; and the Senate proceeded to consider executive business.

EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER (Mr. HILL in the chair) laid before the Senate a message from the President of the United States submitting sundry nominations, which was referred to the appropriate committee.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. WALSH of Massachusetts, from the Committee on Naval Affairs:

Sundry officers for appointment and/or promotion for temporary service in the Navy and the Naval Reserve.

By Mr. CHANDLER, from the Committee on Military Affairs:

Sundry officers for temporary appointment in the Army of the United States, under the provisions of law.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the calendar.

FOREIGN SERVICE

The legislative clerk read the nomination of Jefferson Caffery, of Louisiana, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to France.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Waldo E. Bailey, of Mississippi, to be Foreign Service officer of class 7, a secretary in the Diplomatic Service, and a consul of the United States of America.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

DISTRICT OF COLUMBIA—NOMINATION PASSED OVER

The legislative clerk read the nomination of Guy Mason, of the District of Columbia, to be Commissioner of the District of Columbia for a term of 3 years, and until his successor is appointed and qualified.

Mr. WHITE. Mr. President, I have no personal objection to the confirmation of the nomination, but at the instance of another Member of the Senate I am obliged to ask that the nomination go over.

The PRESIDING OFFICER. The nomination will be passed over.

DEPARTMENT OF THE INTERIOR, REGISTER OF LAND OFFICE—NOMINATION PASSED OVER

The legislative clerk read the nomination of Richard McElligott of Roseburg, Oreg., to be register of the land office.

Mr. HATCH. Mr. President, in view of the fact that the senior Senator from Oregon [Mr. HOLMAN] was not present when the nomination was considered in the committee, and the fact that I understand he will be present when the Senate meets next week, I ask that the nomination be passed over.

The PRESIDING OFFICER. The nomination will be passed over.

That completes the calendar.

Mr. OVERTON. I ask unanimous consent that the President be immediately notified of the confirmation of the nominations acted upon today.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith of all nominations confirmed today.

RECESS TO MONDAY

Mr. OVERTON. As in legislative session, I move that the Senate take a recess until Monday next at 12 o'clock noon.

The motion was agreed to; and (at 4 o'clock and 36 minutes p. m.) the Senate took a recess until Monday, November 27, 1944, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate, November 24 (legislative day of November 21), 1944:

POSTMASTERS

The following-named persons to be postmasters:

ARKANSAS

Myrtle Cunningham, Calion, Ark. Office became Presidential July 1, 1943.

Howard E. Powell, Gurdon, Ark., in place of I. A. Blakely, resigned.

HAWAII

Arthur Chong Kong, Halaula, T. H. Office became Presidential July 1, 1943.

IDaho

Verna Uletta Olson, Fruitland, Idaho, in place of L. R. Hollenbeck, retired.

INDIANA

Bessie Boston, Lewis, Ind. Office became Presidential July 1, 1944.

MAINE

Pearl S. Robinson, Chebeague Island, Maine. Office became Presidential July 1, 1944.

MARYLAND

Gilbert F. Murphy, Laurel, Md., in place of E. H. S. Boss, resigned.

MICHIGAN

M. Adele Zinger, Ruth, Mich., in place of A. C. Cook, resigned.

MINNESOTA

Earl L. LaPorte, Pillager, Minn., in place of C. E. McNair, resigned.

MISSOURI

Opal B. McCann, Cooter, Mo. Office became Presidential July 1, 1943.

Edward R. Sinnott, Edina, Mo., in place of Charles Shumate, retired.

Maude M. Fleming, Graham, Mo. Office became Presidential July 1, 1944.

MONTANA

Oscar L. Henry, Belfry, Mont. Office became Presidential July 1, 1943.

NEW JERSEY

Peter Klappmuts, Oak Ridge, N. J. Office became Presidential July 1, 1944.

NEW YORK

Thomas J. Tighe, Jr., Amsterdam, N. Y., in place of W. A. Gardner, deceased.

John A. Bush, Hartwick, N. Y., in place of C. O. Weidman, deceased.

Frances A. Kinney, Locke, N. Y., in place of G. S. Mackey, transferred.

Helen M. Cronk, Staatsburg, N. Y., in place of J. J. Finan, removed.

PENNSYLVANIA

Howard C. Philson, Berlin, Pa., in place of E. B. Walker, deceased.

Frederick E. Riegner, Garrett Hill, Pa. Office became Presidential July 1, 1944.

Anna C. O'Mara, Laceyville, Pa., in place of J. J. O'Mara, deceased.

Joseph T. Qualters, McKeesport, Pa., in place of Alexander Rankin, deceased.

Birtus B. McDowell, Mineral Springs, Pa. Office became Presidential July 1, 1944.

SOUTH CAROLINA

Robert R. Du Rant, Jr., Manning, S. C., in place of J. S. Bagnal, transferred.

TEXAS

Ruth Finley, Aquilla, Tex. Office became Presidential July 1, 1944.

Catherine H. Bannister, Old Ocean, Tex. Office became Presidential October 1, 1944.

Jesse M. Robbins, Raymondville, Tex., in place of L. O. Robbins, resigned.

Nelson G. Hargett, Weslaco, Tex., in place of Clifton Davenport, resigned.

WISCONSIN

Leona R. Johnson, Danbury, Wis., in place of L. R. Baker, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 24 (legislative day of November 21), 1944:

FOREIGN SERVICE

Jefferson Caffery to be Ambassador Extraordinary and Plenipotentiary of the United States of America to France.

Waldo E. Bailey to be Foreign Service officer of class 7, a secretary in the Diplomatic Service, and a consul of the United States of America.

HOUSE OF REPRESENTATIVES

FRIDAY, NOVEMBER 24, 1944

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who art the Good Shepherd, as we go forth to the duties and adventures of another day, we pray that our labors may bring strength and courage to all who need us and to our country we love; thus may wisdom be justified. Thou Blessed Spirit which develops the hidden sources of the soul, direct us to disseminate knowledge and understanding among our fellow countrymen that